

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1351100-0

Total Deleted Page(s) = 65  
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F B I

## TRANSMIT VIA:

Teletype  
 Facsimile  
 Airtel

## PRECEDENCE:

Immediate  
 Priority  
 Routine

## CLASSIFICATION:

TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 E F T O  
 CLEAR

Date 11/15/77

FM CLEVELAND (58-267) P

TO DIRECTOR ROUTINE

32002472

BT

CLEAR

GOVERNOR JAMES RHODES, STATE OF OHIO; CHIEF JUDGE FRANK BATTISTI, NORTHERN DISTRICT OF OHIO, EASTERN DIVISION; POSSIBLE BRIBERY; OO: CLEVELAND.

INFORMATION BROUGHT TO THE ATTENTION OF CLEVELAND BY CLEVELAND ATTORNEY CREDE CALHOUN THAT A POSSIBLE BRIBERY ARRANGEMENT WAS SET UP BETWEEN OHIO GOVERNOR JAMES RHODES AND CHIEF JUDGE FRANK BATTISTI IN THAT RHODES HAS APPOINTED LILLIAN BATTISTI, SISTER OF JUDGE BATTISTI, TO THE POST OF CLEVELAND REGIONAL ORDER OF REVIEW, JUDICIAL APPELLATE BOARD, WORKMAN'S COMPENSATION DIVISION. LILLIAN BATTISTI IS ALLEGEDLY UNQUALIFIED FOR THE POSITION AND HAS BEEN PARTIALLY SUPPORTED BY JUDGE BATTISTI FOR SOME TIME. AT THE TIME OF THE APPOINTMENT

FHG/bms (1)

SEARCHED \_\_\_\_\_  
 SERIALIZED 11/15/77  
 INDEXED 11/15/77  
 FILED 11/15/77

Approved: mtcTransmitted 974 9:39 AM  
(Number) (Time)Per SLG

58-267-1

b6  
b7C

F B I

## TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

## PRECEDENCE:

- Immediate
- Priority
- Routine

## CLASSIFICATION:

- ~~TOP SECRET~~
- ~~SECRET~~
- ~~CONFIDENTIAL~~
- ~~EF T O~~
- CLEAR

Date \_\_\_\_\_

CV 58-267 PAGE TWO CLEAR

LILLIAN BATTISTI WAS EMPLOYED BY A FINANCE COMPANY LOCATED IN FLORIDA.

CONTACTS WITH KEY RHODES OFFICIALS IN COLUMBUS BY CALHOUN INDICATE RHODES DID NOT FOLLOW NORMAL PROCEDURES FOR MAKING SUCH AN APPOINTMENT IN THAT HIS ASSISTANT, TOM MOYER, WHO IS IN CHARGE OF THE ADMINISTRATIVE AGENCIES FOR OHIO, WAS UNAWARE OF THE DETAILS OF THE APPOINTMENT, WHICH WAS HANDLED BY GOVERNOR RHODES HIMSELF. ACCORDING TO CALHOUN, MOYER SHOULD HAVE BEEN MADE AWARE OF ALL SUCH APPOINTMENTS.

ACCORDING TO THE CLEVELAND STRIKE FORCE, JUDGE BATTISTI PRESIDED AT THE KENT STATE TRIAL INVOLVING GOVERNOR RHODES IN WHICH RHODES WAS ACQUITTED IN 1976. THIS SAME MATTER HAS BEEN RECENTLY REOPENED BY THE U.S. SIXTH CIRCUIT COURT OF APPEALS, EXPOSING GOVERNOR RHODES TO CIVIL LIABILITIES.

CALHOUN ADVISED HE INTENDS TO CONTACT VARIOUS INDIVIDUALS CONCERNING THIS MATTER, INCLUDING LILLIAN BATTISTI, ON TUESDAY, NOVEMBER 17, 1977, AND WILL RECONTACT THE CLEVELAND FBI AT THAT TIME. ALSO, ACCORDING TO CALHOUN, [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] ADVISED THAT HE COULD FIND NO BACKGROUND INFO

CONCERNING THE LILLIAN BATTISTI APPOINTMENT AND HE COULD FIND  
Approved: \_\_\_\_\_ Transmitted \_\_\_\_\_ Per \_\_\_\_\_

(Number) (Time)

F B I

## TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

## PRECEDENCE:

- Immediate
- Priority
- Routine

## CLASSIFICATION:

- ~~TOP SECRET~~
- ~~SECRET~~
- ~~CONFIDENTIAL~~
- ~~E F T O~~
- CLEAR

Date \_\_\_\_\_

--- CV 58-267 --- PAGE THREE --- CLEAR ---

NO APPARENT REASON FOR THE APPOINTMENT.

FACTS HAVE BEEN RELAYED TO THE CLEVELAND STRIKE FORCE,  
SPECIFIC ATTENTION OF [REDACTED] WHO HAS  
REQUESTED THE MATTER BE LOOKED INTO FOR ADDITIONAL INVESTIGATION.  
CLEVELAND WILL AWAIT RECONTACT BY CALHOUN ON NOVEMBER 17, 1977  
OR NOVEMBER 18, 1977, AND WILL IMMEDIATELY ADVISE BUREAU OF  
RESULTS ON LHM.

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b7C

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Approved: \_\_\_\_\_

Transmitted \_\_\_\_\_  
(Number) (Time)

Per \_\_\_\_\_

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, CLEVELAND (58-267) (P)

DATE: 11/18/77

FROM : ACTING SUPERVISOR [redacted]

SUBJECT: GOVERNOR JAMES RHODES,  
STATE OF OHIO;  
CHIEF JUDGE FRANK BATTISTI,  
NORTHERN DISTRICT OF OHIO,  
EASTERN DIVISION  
POSSIBLE BRIBERY  
(OO: CLEVELAND)

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Re Cleveland teletype to Director, 11/15/77.

This will record that on 11/16/77 FBIHQ Supervisor GEORGE KEENAN telephonically contacted the writer and advised that he had received the above teletype and advised that the facts as stated in the teletype were vague and did not specifically spell out a clear Bribery. Therefore, he advised the title of the case should be changed to delete GOVERNOR RHODES and to change from Possible Bribery to Administrative Inquiry. He stated that this would make the case easier to handle since the Department of Justice would then be responsible for instituting further investigation in this matter and would be responsible for the scope of the investigation.

SA [redacted] was advised of the above.

GJL:mak

(2) *mark*

58-267-2

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SERIALIZED <i>mark</i>	FILED <i>mark</i>
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FBI - CLEVELAND	
[redacted]	

*1.*



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

11-18-77

AIRTEL

TO: DIRECTOR, FBI  
FROM: SAC, CLEVELAND (58-267) (P)

RE: "CHANGED"  
CHIEF JUDGE FRANK J. BATTISTI  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION;  
ADMINISTRATIVE INQUIRY

OO: Cleveland

Title is marked changed to drop Governor JAMES RHODES, State of Ohio, from the title and change investigative classification from POSSIBLE BRIBERY to an ADMINISTRATIVE INQUIRY.

Re telephone call from Bureau Supervisor GEORGE KEENAN on 11-16-77; and Cleveland teletype to the Bureau, 11-15-77.

Enclosed for the Bureau is the original and three copies of a letterhead memorandum setting forth allegations of possible improprieties involving a relationship of Ohio Governor JAMES RHODES and Chief Judge FRANK J. BATTISTI.

Information set forth in referenced teletype concerning Judge BATTISTI presiding over the Kent State trial involving Governor RHODES was found to be in error. Judge BATTISTI did initially receive the case, but subsequently reassigned it to Judge DON J. YOUNG in Toledo, Ohio.

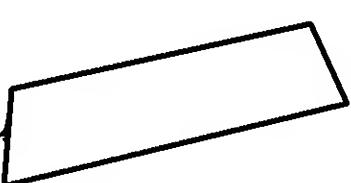
2 - Bureau (Enc. 4)

2 - Cleveland

FHG:sic

(4)

*rec*  
*(TJF)*

*fm*  
*Re*  
  
*J*  
*58-3673*

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b7C

It should be noted that the source of information set forth in attached LHM, CREDE CALHOUN, has supplied information which was brought to his attention by numerous individuals. At the time of this airtel no efforts have been made to interview the individuals identified by CALHOUN as his sources; therefore, CALHOUN's information has not been corroborated.

However, CALHOUN advised Bureau Agents of a case that has been brought against him by the Disciplinary Council of the Supreme Court of Ohio concerning a letter written by CALHOUN to the "Plain Dealer" in 1976. CALHOUN stated that he does not know the name of the individual bringing suit against him, nor does he know the representative on the Disciplinary Council who is handling the suit. CALHOUN stated that he has requested the identity of such individuals from the Disciplinary Council, but has been refused. CALHOUN stated that he testified before the Controlling Board of Ohio in Columbus, which consisted of House and Senate members, concerning an Emergency Appropriation Board which was requesting \$500,000 to be appropriated for investigators to come to Cleveland to investigate Workmen's Compensation fraud involving fictitious companies and fictitious claims being levied against the Workmen's Compensation Fund.

CALHOUN stated that the financial reports prepared by Woodward and Fondillar, Certified Public Accountants, out of New York City, reports of Booz Allen Actuarial Management Specialists of California, and reports prepared by Ernst and Ernst of Ohio indicated that a one billion dollar deficit existed in the Workmen's Compensation Fund in the State of Ohio. This information was brought to the attention of Governor RHODES for disclosure; however, the matter was concealed and covered up. CALHOUN stated that his letter to the "Plain Dealer" in October of 1976 set forth the condition of the Workmen's Compensation Fund and that he requested the "Plain Dealer" print the letter. He was told by the "Plain Dealer" that the letter would not be printed, at which time CALHOUN stated that he made the information public in a speech given by him at the City Club in Cleveland, Ohio, and that this speech apparently was the basis for the suit brought against him by the Disciplinary Council of the Supreme Court.

CV 58-267

CALHOUN stated that approximately four or five months subsequent to his disclosure at the City Club in Cleveland, reports of widespread Workmen's Compensation fraud were printed all over the newspapers.

It should be noted that the widespread coverage of the Workmen's Compensation fraud mentioned by CALHOUN did, in fact, take place in the Cleveland newspapers during the first several months of 1977, which resulted in over 200 indictments. CALHOUN has also been able to back up his claims of fund deficits and subsequent concealments from documentation in his possession concerning audit reports and auditor contracts which specifically restricted the auditor's examination by withholding pertinent statistical data from the auditors.

The Bureau is requested to advise Cleveland of the investigative authority to be granted in regards to the above matter.

Cleveland, Ohio

November 18, 1977

CHIEF JUDGE FRANK J. BATTISTI  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY

On November 15, 1977, CREDE C. CALHOUN advised that a possible impropriety has occurred involving a relationship between Ohio Governor JAMES RHODES and Chief Judge FRANK J. BATTISTI in that Governor RHODES has appointed LILLIAN BATTISTI, youngest sister of Judge BATTISTI, to the Judicial Appellate Board of the Cleveland Regional Order of Review, which is part of the Ohio Bureau of Workmen's Compensation.

The position currently held by LILLIAN BATTISTI is one of a three-member board which is responsible for hearing appeals on complaints previously argued before the Workmen's Compensation Board. The other board members consist of GUERIN BUONPANE, Attorney; and [redacted] [redacted] BUONPANE holds the position of Director of the Board.

CALHOUN advised that LILLIAN BATTISTI was supposedly employed by a finance company in Florida shortly before or at the time of her appointment. He also stated that he has heard that Judge BATTISTI had been assisting in the support of LILLIAN for some time. [redacted]

[redacted] associated with the Ohio Self Insurers Group, a group of employers represented by LILLIAN BATTISTI in her position, advised CALHOUN that LILLIAN BATTISTI only has a high school education and has worked briefly in the past in the Federal Probate Court in Youngstown, Ohio, and in Judge BATTISTI's law firm. LILLIAN claimed to have a legal background established through work performed in her brother's law firm and not from her employment in Youngstown.

4 - Bureau

(2) - Cleveland (58-267) (P)

FHG:sic

(6)

*[Signature]*

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RE: CHIEF JUDGE FRANK J. BATTISTI  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY

CALHOUN advised that he confronted LILLIAN BATTISTI very briefly on November 17, 1977, concerning her qualifications to hold a position on the Judicial Appellate Board. LILLIAN BATTISTI advised CALHOUN that her background information is on an application in Governor RHODES' office and that she did not have to answer any of his questions.

[redacted] in Cleveland, Ohio, advised CALHOUN that he had been advised by [redacted]

[redacted] in Columbus, Ohio, that ROY MARTIN, an administrative assistant to Governor RHODES, "calls the shots" on appointments in the RHODES administration. According to information supplied to [redacted] by MARTIN, the recent appointment of LILLIAN BATTISTI was a "sweetheart deal" between Governor RHODES and Judge BATTISTI" and that he, MARTIN, knew nothing about the appointment at all.

[redacted] also advised CALHOUN that he heard that the LILLIAN BATTISTI appointment may have been for past favors from Judge BATTISTI; however, [redacted] did not identify his source of that information to CALHOUN.

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THOMAS MOYER, Administrative Assistant to Governor RHODES in charge of Ohio's administrative agencies, advised CALHOUN that he was unaware of any of the details surrounding the LILLIAN BATTISTI appointment which was handled by Governor RHODES himself. According to CALHOUN, MOYER should have been made aware of such an appointment and it was very unusual that both MOYER and MARTIN were unaware of the details of the appointment.

[redacted]  
[redacted] advised CALHOUN that he could find no background information concerning the LILLIAN BATTISTI appointment and that he could find no apparent reason for the appointment.

RE: CHIEF JUDGE FRANK J. BATTISTI  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY

According to CALHOUN, LILLIAN BATTISTI will be replacing [redacted] on the Judicial Appellate Board. [redacted] received his appointment to the Board in 1972 from former Ohio Governor JOHN GILLIGAN. At the time [redacted] received his appointment he was [redacted]

[redacted] Cleveland, Ohio, advised CALHOUN that he had been advised by [redacted]

[redacted] that [redacted] was interested in the position received by LILLIAN BATTISTI. [redacted] met with [redacted] in Columbus, Ohio, one week before the appointment and [redacted] told [redacted] that he, [redacted] would be the next Judicial Appellate Board member in Cleveland. According to CALHOUN [redacted] is a straightforward, "no games" type of individual who would not make such a statement as made to [redacted] unless sure of his facts.

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Also, according to CALHOUN, another Cleveland attorney, NAT LEFTON, who was interested in the open position, was told by the Cuyahoga County Republican Chairman, ROBERT HUGHES, before LILLIAN BATTISTI received the appointment, that he, LEFTON, need not apply for the position because that job was already taken.

GUERIN BUONPANE advised CALHOUN that his salary as Chairman of the Judicial Appellate Board amounts to approximately \$14,000 a year, and that he works full time as such. BUONPANE further advised that [redacted] draws a salary of approximately \$20,000 a year for a full-time position on the Judicial Appellate Board and that LILLIAN BATTISTI is currently drawing a salary of \$23,000 a year.

[redacted] of the Cleveland Strike Force, has been advised of the above facts and has requested additional investigation into the matter.

**FEDERAL BUREAU OF INVESTIGATION**

Date of transcription 11/16/77

CREDE CALHOUN, Room 408, Mall Building, 118  
St. Clair, Cleveland, Ohio, was interviewed at his office  
by Special Agents (SAs) [redacted] and [redacted]  
[redacted] who identified themselves as Special Agents  
of the Federal Bureau of Investigation (FBI). CALHOUN  
advised that he wanted to discuss various improprieties  
concerning Governor JAMES RHODES and Judge FRANK BATTISTI.  
CALHOUN thereafter advised the following:

Several weeks ago it was brought to his attention that Governor JAMES RHODES had appointed Judge FRANK BATTISTI's sister, LILLIAN BATTISTI, to the Cleveland Regional Order of Review by placing her on the Judicial Appellate Board in the Workmen's Compensation Adjudication System. LILLIAN BATTISTI was replacing [REDACTED] who was on his way out. The Judicial Appellate Board, which consists of LILLIAN BATTISTI, GUERIN BUONPANE, and [REDACTED] hears appeals brought up as a result of cases brought before the Workmen's Compensation Board.

CALHOUN stated that he checked with BUONPANE, Director of the Board, in an attempt to find out LILLIAN BATTISTI's qualifications for her appointment. BUONPANE inferred to CALHOUN that LILLIAN BATTISTI had not gone to college inasmuch as she avoided the issue of education and past schooling whenever the issue was brought before her by BUONPANE. Also, according to CALHOUN, Judge FRANK BATTISTI had been contributing to the support of LILLIAN BATTISTI and that LILLIAN BATTISTI had been living in Florida working for a credit or finance company at the time she received her appointment to the Cleveland Regional Order of Review.

CALHOUN stated that he checked with THOMAS MOYER, who is in charge of all administrative agencies in the RHODES' administration in an attempt to ascertain the details of the LILLIAN BATTISTI appointment. MOYER advised him that he was not aware of any of the details of the appointment inasmuch as Governor RHODES completely handled the appointment himself. CALHOUN stated that MOYER and ROY MARTIN, also with the RHODES' administration, should

have been made aware of the appointment of LILLIAN BATTISTI.

CALHOUN also stated that he contacted [REDACTED]  
who is currently [REDACTED]

[REDACTED] and was advised by [REDACTED] that  
there was no background information available on LILLIAN  
BATTISTI and that no apparent reason for the appointment  
was available.

CALHOUN advised that he had been associated  
with the law firm of Jones, Day, Reavis, and Pogue until  
1972 at which time he parted with the firm. At that time,  
a vacancy appeared on the Cleveland Regional Employer  
Representative Board, and then Governor JOHN GILLIGAN  
appointed [REDACTED] to the position. CALHOUN advised  
that he and [REDACTED] who at the time was [REDACTED]

[REDACTED] went to GILLIGAN's  
office to complain about the appointment. GILLIGAN advised  
them that [REDACTED] got his job because of a promise  
he had made to [REDACTED] for [REDACTED]  
help on the passage of an income tax issue. CALHOUN stated  
that he threatened GILLIGAN with litigation at that time  
and was asked by GILLIGAN to hold off for 30 days in order  
that he, GILLIGAN, could find [REDACTED] another job.  
CALHOUN stated that [REDACTED] was [REDACTED]  
[REDACTED] at the time of his appointment by GILLIGAN to  
the Cleveland Regional Employer Representative Board.

A case has been brought against CALHOUN by the  
Disciplinary Counsel of the Supreme Court of Ohio concerning  
a letter written by CALHOUN to the Plain Dealer in 1976.  
CALHOUN stated that he does not know the name of the individual  
bringing suit against him nor does he know the representative  
on the Disciplinary Counsel who is handling the suit.  
CALHOUN stated that he has requested the identity of such  
individuals from the Disciplinary Counsel but has been  
refused. CALHOUN stated that he testified before the  
Controlling Board of Ohio in Columbus, which consisted  
of House and Senate members concerning an Emergency Approp-  
riation Board which was requesting \$500,000 to be  
approriated for investigators to come to Cleveland to  
investigate Workmen's Compensation fraud involving fictitious  
companies and fictitious claims being levied against the  
Workmen's Compensation Fund.

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CALHOUN stated that the financial reports prepared by Woodward and Fondillar Certified Public Accountants out of New York City, reports of Booz Allen Actuarial Management Specialists of California, and reports prepared by Ernst and Ernst of Ohio indicated that a one billion dollar deficit existed in the Workmen's Compensation Fund in the State of Ohio. This information was brought to the attention of Governor RHODES for disclosure; however, the matter was concealed and covered up. CALHOUN stated that his letter to the Plain Dealer in October of 1976 set forth the condition of the Workmen's Compensation Fund and that he requested the Plain Dealer print the letter. He was told by the Plain Dealer that the letter would not be printed, at which time CALHOUN stated that he made the information public in a speech given by him at the City Club in Cleveland, Ohio, and that this speech apparently was the basis for the suit brought against him by the Disciplinary Counsel of the Supreme Court. CALHOUN stated that approximately four or five months subsequent to his disclosure at the City Club in Cleveland, reports of wide-spread Workmen's Compensation fraud were printed all over the newspapers.

CALHOUN advised that the following individuals would be concerned and/or have knowledge of possible improprieties in the appointment of LILLIAN BATTISTI to the Cleveland Regional Order of Review:

[REDACTED] in Columbus, Ohio;

[REDACTED] Cleveland, Ohio;

Columbus, Ohio;

[REDACTED]

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11-25-77

CREDE C. CALHOUN, 408 Mall Building, Cleveland, Ohio, was interviewed by Special Agents (SAs) [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation. CALHOUN advised as follows:

[redacted] in Cleveland, Ohio, advised CALHOUN that he had been advised by [redacted] in Columbus, Ohio, that ROY MARTIN, an Administrative Assistant to Governor RHODES, "calls the shots" on appointments in the RHODES administration. According to the information supplied to [redacted] by MARTIN, the recent appointment of LILLIAN BATTISTI was a "sweetheart deal" between Governor RHODES and Judge BATTISTI, and that he, MARTIN, knew nothing about the appointment at all. [redacted] also advised CALHOUN that he heard the LILLIAN BATTISTI appointment may have been for past favors from Judge BATTISTI; however, [redacted] did not identify his source of that information to CALHOUN.

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[redacted] Cleveland, Ohio, advised CALHOUN that he had been advised by [redacted]

[redacted] that [redacted] was interested in the position received by LILLIAN BATTISTI. [redacted] met with [redacted] in Columbus, Ohio, one week before the appointment, and told [redacted] that he, [redacted] would be the next Judicial Appellate Board member in Cleveland. According to CALHOUN [redacted] is a straightforward, "no games" type of individual who would not have made such a statement to [redacted] unless he were sure of his facts. According to CALHOUN, both [redacted] and [redacted] were very surprised to find out of the LILLIAN BATTISTI appointment.

Another Cleveland attorney by the name of NAT LEFTON who was interested in the open position on the Judicial Appellate Board of the Cleveland Regional Workmen's Compensation Board, was told by the Cuyahoga County Republican Chairman, ROBERT HUGHES, prior to the announcement that LILLIAN BATTISTI had received the appointment to that position, that he, LEFTON,

Interviewed on 11-17-77 at Cleveland, Ohio File #Cleveland 58-267  
 by SAs [redacted] and JP  
 Date dictated 11-23-77  
 [redacted] MPB/FHG:sic

need not apply because the job had already been taken.

Subsequent to LILLIAN BATTISTI's appointment to the Judicial Appellate Board, [redacted]

[redacted] and associated with the Ohio Self Insurers Group, a group of employers represented by LILLIAN BATTISTI in her position, advised CALHOUN that LILLIAN BATTISTI only has a high school education and has worked briefly in the past in Federal Probate Court in Youngstown, Ohio, and in Judge BATTISTI's law firm. [redacted] also advised CALHOUN that LILLIAN BATTISTI basically described her duties as clerical during her employment with the Federal Probate Court and in Judge BATTISTI's law firm. [redacted] also advised him that LILLIAN BATTISTI claimed to have a paralegal background established through her work performed at her brother's law firm and not from her employment in Youngstown.

CALHOUN advised that he confronted LILLIAN BATTISTI very briefly on November 17, 1977, and questioned her qualifications to hold a position on the Judicial Appellate Board. LILLIAN BATTISTI advised CALHOUN that the details of her background information could be located on an application in the Governor's office and that she did not have to answer any of his questions.

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11-28-77

CREDE C. CALHOUN telephonically contacted Special Agent (SA) [redacted] and advised as follows:

He had been in contact with GUERIN BUONPANE, Chairman of the Judicial Appellate Board of the Cleveland Regional Bureau of Workmen's Compensation, and was advised by BUONPANE that his, BUONPANE's, salary amounts to \$14,000 a year. CALHOUN advised that BUONPANE's position in the past has generally allowed the chairman to continue having an interest in an outside law practice; however, BUONPANE, being an attorney and with the Bureau of Workmen's Compensation for approximately 40 years, has worked full time for [redacted] the past several years as chairman.

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CALHOUN also advised that BUONPANE indicated that [redacted]

[redacted]  
[redacted]  
is paid approximately \$20,000 a year for a full-time position on the Judicial Appellate Board.

CALHOUN went on to advise that BUONPANE indicated that LILLIAN BATTISTI, the newest member on the Judicial Appellate Board, draws a salary of \$23,000 a year.

Interviewed on 11-18-77 at Cleveland, Ohio File #Cleveland 58-267-6  
by SA [redacted] <sup>10</sup> tsic Date dictated 11-24-77

TRANSMIT VIA: Airtel

PRECEDENCE: \_\_\_\_\_

CLASSIFICATION: \_\_\_\_\_

DATE: 12-30-77

To: SAC, Cleveland (58-267)

From: Director, FBI

CHIEF JUDGE FRANK J. BATTISTI  
 NORTHERN DISTRICT OF OHIO  
 EASTERN DIVISION;  
 ADMINISTRATIVE INQUIRY  
 OO: Cleveland

Re Cleveland airtel dated 11-18-77.

Enclosed is one copy of a letter from the Assistant Attorney General, Criminal Division, dated 12-27-77, for information.

Enc.

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JAN 3 1978


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(Mount Clipping in Space Below)

## Rhodes asks upset of retrial order

WASHINGTON (UPI) — An attorney for Governor Rhodes has asked the U.S. Supreme Court to reverse an appeals court ruling which ordered Rhodes to be retried in a civil suit stemming from the killing of four Kent State University students by national guardsmen.

The U.S. 6th Circuit Court of Appeals in Cincinnati last year ordered Rhodes and other defendants to stand trial again because the trial court in Cleveland had failed to "deal properly with extraneous influences on the jury" that had acquitted the defendants.

One juror contended he was threatened three times and assaulted once by an unknown person in an attempt to force the juror to vote against Rhodes.

(Indicate page, name of newspaper, city and state.)

Pg. A5  
The Cleveland Press  
Cleveland, Ohio

Date: 1-18-78  
Edition: Final

Author:  
Editor:  
Title:

Character:  
or  
Classification:  
Submitting Office: Cleveland

Being Investigated

CV 58-267-10  
SEARCHED INDEXED  
SERIALIZED FILED

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*Airtel*

1/18/78

TO: DIRECTOR, FBI (62-117853)  
FROM: SAC, CLEVELAND (53-267) (P)

RE: CHANGED  
JAMES A. RHODES,  
Governor, State of Ohio  
BRIBERY; RICO  
OO: CLEVELAND

Title marked changed to delete the name of Chief Judge FRANK BATTISTI, Northern District of Ohio, Eastern Division and to add the subject JAMES A. RHODES, Governor, State of Ohio, and to add the violation of RICO.

Re Cleveland teletype to Bureau Supervisor GEORGE KELMAN, 1/3/73, and Bureau airtel to Cleveland, 12/30/77.

Captioned matter is currently being investigated as a second violation necessary to complete a RICO charge against Governor JAMES A. RHODES. Prior investigation by the Detroit, Cincinnati and Cleveland offices established allegations through source information that RHODES was involved in the commutation of the sentence of [redacted] at the behest of JAMES T. LICAVOLI, LCN boss of Northern Ohio, a matter which predates a 5-year statute of limitations. The current matter involves a defrauding of the citizens of Ohio of good and faithful services by virtue of bribery in connection with the appointment of LILLIAN BATTISTI, sister of Chief Judge FRANK J. BATTISTI, to the post of Judicial Appolato Board, Workmen's Compensation Division in Cleveland, Ohio.

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4 - Bureau  
2 - Cleveland

FMG:trw  
(S)H.W.

*index title*

[redacted]

*2/1*  
*Z*

The matter has been discussed with the Cleveland Strike Force [redacted] and [redacted] and both have expressed their desire for the matter to be pursued to a logical conclusion. The Strike Force requested to be advised of each and every step of the investigation and have advised that prosecution would be authorized should sufficient evidence be accumulated to substantiate a charge.

ADMINISTRATIVE

Chief Judge FRANK J. BATTISTI has been of particular interest to the Cleveland Division and the Cleveland Strike Force due to his alleged involvement in a bribery matter encompassing the [redacted] and

[redacted] Federal bank fraud trial in February, 1977. [redacted] and [redacted] were tried before Judge NICHOLAS J. MANOS. Information supplied to the Cleveland Strike Force indicated that several days prior to the acquittal of [redacted] in that trial, Cleveland attorney [redacted] civil attorney for [redacted] and [redacted] advised an Internal Revenue Agent that a deal had been made with FRANK J. BATTISTI at the Theatrical Restaurant in Cleveland, Ohio, in that BATTISTI would control the case and would direct Judge MANOS to render judgments of acquittal for [redacted] and [redacted]

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[redacted] Newark file number [redacted] and Cleveland file number [redacted] advised Newark Agents that during a conversation between himself and [redacted] advised him that: he was found guilty of conspiracy in the Northern Ohio Bank case and that it was ridiculous because the judge returned a directed verdict of acquittal to the co-defendant. It was ridiculous because how can you have a conspiracy with one guy. [redacted] also stated to [redacted] "The judge was supposed to give me the same thing but at the last minute he got cold feet."

[redacted] continued that he is not absolutely sure but remembers [redacted] telling him that it costs me [redacted] \$50,000 and the judge did not do what he was supposed to do. [redacted] also stated that with prior

CV 58-367

conversations with [redacted] he claimed that judges  
have been taken care of in cases which were related  
to [redacted]

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Also, an extra copy of this communication  
has been furnished to the Bureau per the request of  
Bureau Supervisor GEORGE KEENAN in order that appropriate  
dissemination to the U.S. Department of Justice, Public  
Integrity Section can be made.

## FEDERAL BUREAU OF INVESTIGATION

1/20/78  
Date of transcription

[redacted] Bureau of Workmen's Compensation, 740 Superior, Cleveland, Ohio, was interviewed at his office by Special Agents (SAs) [redacted] and [redacted], who identified themselves as Special Agents of the Federal Bureau of Investigation (FBI). SA [redacted] advised [redacted] the FBI wanted to ascertain his knowledge of the LILLIAN BATTISTI appointment to the Judicial Appellate Board of the Cleveland Regional Order of Review. USSAI advised as follows:

He was aware that a position on the Judicial Appellate Board would become available inasmuch as the positions on the Board were for six-year terms and the employer's representative position on the Board would end its term in late 1977. Between April, 1977 and September, 1977, he talked with several individuals on the Industrial Commission of Ohio and to ROBERT HUGHES, Cuyahoga County Republican Chairman, concerning his interest in the opening. The Industrial Commission is the adjudicative arm of the Ohio Bureau of Workmen's Compensation.

The Industrial Commission consists of [redacted] LEONARD LANCASTER, and [redacted] advised that he was told by the members that they had no objections to him taking the open position on the Judicial Appellate Board. [redacted] and LANCASTER specifically advised him that they would like him in the position and that if Governor JAMES A. RHODES were to have asked them for a recommendation as to who should fill the position they would have recommended [redacted]

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[redacted] has considerable political power in the state and considerable influence with Governor RHODES. [redacted] law firm represented Governor RHODES in the Kent State trial, and [redacted] believes [redacted] personally handled a great deal of legal work.

In his talk with ROBERT HUGHES, [redacted] expressed his interest in the upcoming opening on the Judicial Appellate Board sometime in August or September, 1977. HUGHES told him that another person was to fill the vacancy and that [redacted] could not be considered. HUGHES also told him that [redacted]

Interviewed on 1/19/78 at Cleveland, Ohio File # Cleveland 58-267  
SAs [redacted], and [redacted] JFHG:ral Date dictated 1/20/78  
by [redacted]

of the Workmen's Compensation Bureau, [redacted] may be replaced due to some problems in the Bureau and that [redacted] might replace [redacted] and that this was also a reason [redacted] would not be considered for the opening on the Judicial Appellate Board. The matter involving the possible replacement of [redacted] was cleared up two weeks before LILLIAN BATTISTI's appointment, and it was decided [redacted] would not be removed.

[redacted] asked HUGHES who would be filling the upcoming vacancy on the Judicial Appellate Board, and HUGHES replied that the Governor is the one making the selection and HUGHES refused to divulge the name of the appointee.

[redacted] advised that he has worked for the Bureau of Workmen's Compensation since he graduated from college and has considerable knowledge in the Workmen's Compensation field. Another individual interested in the Judicial Appellate Board opening was NAT LEFTON, who also has a very good understanding of Workmen's Compensation. An individual on the Board must have a thorough understanding of the Workmen's Compensation field because incompetence in the field jeopardizes the Workmen's Compensation fund which has a balance of over two billion dollars. The open position on the Board does not require a legal background, however, the Chairman's position should have a legal background. Of the other two positions on the Board, one representing labor and one representing employers, LILLIAN BATTISTI filled the position representing employers.

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According to [redacted] the word he has heard is that LILLIAN BATTISTI had absolutely no experience in the Workmen's Compensation field and that she knew nothing about the field at all. Additionally, he has heard that LILLIAN BATTISTI is only a high school graduate. Because of the complex nature of Workmen's Compensation and because of the information that LILLIAN BATTISTI was not qualified for the position, [redacted] stated he was very disappointed with the appointment. Also, everyone he has talked to about the LILLIAN BATTISTI matter either has no information on the matter or avoids the issue.

CV 58-267

The position filled by LILLIAN BATTISTI should normally have been filled from either recommendations of ROBERT HUGHES or based on Governor RHODES' own choice. The normal procedures would also have required recommendation of Industry in the area due to the fact that the position represents employers on the Board. ROY MARTIN would collate the information for the Governor and would also include a recommendation as to the qualifications of those considered for the position. [redacted] advised he is unaware of any industry recommendations for LILLIAN BATTISTI but that any recommendations made would be in her personnel folder in the State Capitol office.

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LEONARD LANCASTER's office is located in Room 104, 65 South Front Street, Columbus, Ohio, telephone number 614-466-3010.

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, Cleveland (58-267)

FROM : Director, FBI (62-117853)

DATE: 1/24/78

SUBJECT: JAMES A. RHODES,  
GOVERNOR, STATE OF OHIO  
BRIBERY; CONFLICT OF INTEREST  
OO: CLEVELAND

Reurairtel, 1/18/78, and telcal to Bureau, 1/6/78.

In your referenced airtel you state that a RICO charge against Rhodes is based on the commutation of the sentence of [REDACTED] and the appointment of Lillian Battisti. Since the former offense is no longer prosecutable due to the running of the statute of limitations and the latter has been reviewed and rejected by the Justice Department, it would appear that a RICO charge against Rhodes based on such offenses would be rather difficult to sustain. The matter involving the sentencing of [REDACTED] by Judge Manos is being carried as a separate case and does not appear to relate to Rhodes. //

In the referenced telcal, SA [REDACTED] Cleveland, advised that there were other allegations or suspected violations by Judge Battisti and Governor Rhodes, and that the Strike Force Chief at Cleveland had requested the FBI to continue this investigation as a Bribery/ Conflict of Interest matter. SA [REDACTED] was instructed to submit four copies of an LHM to the Bureau setting forth all known facts and indicating that a Bribery/Conflict of Interest case was being initiated re Rhodes at the request of the Strike Force. SA [REDACTED] was instructed further to set out the complete background of all allegations against Battisti in the cover letter or airtel. In response to the above instructions, no additional background information was furnished to justify continuing this case, no LHM was

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58-267-13

SEARCHED	INDEXED
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JAN 31 1978	
[REDACTED]	
ND	
[REDACTED]	



5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan  
or *or us that happened* *pls advise*

Letter to SAC, Cleveland  
RE: JAMES A. RHODES

submitted with the requested facts and request by the Strike Force, and, instead, the Bureau was supplied with four copies of reairtel to disseminate.

In view of the above, the Bureau feels that this case should be closed at once. If Cleveland feels differently, submit an LHM as previously instructed with full justification as to why an expired matter and a declined matter should be further pursued.

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, CLEVELAND (58-267) (P)

DATE: 2/2/78

FROM : SA [redacted]

SUBJECT: JAMES A. RHODES,  
GOVERNOR, STATE OF OHIO  
BRIBERY; RICO

OO: Cleveland

Re Bureau letter to Cleveland, 1/24/78.

For the information of the file, SA [redacted]  
[redacted] telephonically contacted Bureau Supervisor [redacted]  
[redacted] on February 1, 1978, and was advised by Supervisor [redacted]  
that Supervisor GEORGE KEENAN had been in San  
Juan for two weeks and that he had taken over KEENAN's  
duties in his absence. Supervisor [redacted] was advised  
the Cleveland Strike Force has informed the Cleveland Office  
that in a RICO violation one of the two criminal acts may  
exceed the five year statute of limitations. Supervisor [redacted]  
[redacted] requested Cleveland to set that information out  
in its next communication to the Bureau in regard to the  
captioned matter.

Supervisor [redacted] was also advised the  
information in Cleveland's possession concerning Governor  
RHODES' participation in a bribery matter involving [redacted]  
[redacted] was supplied to Cleveland by TE informants and  
that such information was specifically requested not to  
be disseminated outside the Bureau. Supervisor [redacted]  
requested that should Cleveland still wish to submit an  
LHM as mentioned in referenced memo that Cleveland should  
mention in the LHM that the Strike Force feels the first  
violation against RHODES is in their opinion a provable  
offense based upon information in the possession of the  
Cleveland Strike Force. Additionally, Supervisor [redacted]  
requested a statement to be placed in the LHM indicating  
the Strike Force feels the efforts of such an investigation  
against RHODES is justified and that the Strike Force feels  
the case is a provable matter.

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(2)

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FEB 2 1978

FBI-CLEVELAND



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

58-267-14

CV 58-267

Supervisor [redacted] advised Supervisor KEENAN will return on February 13, 1978, and that Cleveland may wish to discuss the matter directly with Supervisor KEENAN before submitting an LHM on the matter.

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2/2/78 *AM 10 112*

TO: DIRECTOR, FBI (62-117853)  
FROM: SAC, CLEVELAND (58-267) (P)  
RE: JAMES A. RHODES  
GOVERNOR, STATE OF OHIO  
BRIEFLY  
RICO  
OO: CV

Re Cleveland telcall to Bureau Supervisor, 2/1/78;  
Bureau letter to Cleveland 1/24/78.

For the information of the Bureau, Cleveland Strike Force [redacted] advised on 2/2/78 that the captioned matter is to be discussed between himself and the Department of Justice in the next couple of weeks and that a mutual decision as to the prosecutive merit of the matter will be reached at that time. [redacted] requested any investigation in the matter be held in abeyance pending the outcome of the prosecutive decision.

In view of the above, no further communications regarding the matter will be sent to the Bureau until such time as the Cleveland Strike Force advises Cleveland as to the decision reached between the Cleveland Strike Force and the Department of Justice, UACB.

2 - Bureau  
2 - Cleveland

*PHG/cac*  
(4)

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58-347-15

Cleveland, Ohio

March 13, 1978

JAMES A. RHODES,  
Governor, State of Ohio

On January 19, 1978, [redacted]

[redacted] Bureau of Workmen's Compensation, Cleveland, Ohio, was interviewed by the Federal Bureau of Investigation regarding his knowledge of the LILLIAN BATTISTI appointment to the Judicial Appellate Board of the Cleveland Regional Order of Review, which is part of the Workmen's Compensation Bureau.

[redacted] advised that he was aware that a position on the Judicial Appellate Board would become available inasmuch as the positions on the Board were for six-year terms and the employer's representative position on the Board would end its term in late 1977. Between April, 1977, and September, 1977, he talked with several individuals on the Industrial Commission of Ohio and to ROBERT HUGHES, Cuyahoga County Republican Chairman, concerning his interest in the opening. The Industrial Commission is the adjudicative arm of the Ohio Bureau of Workmen's Compensation.

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The Industrial Commission consists of [redacted]

[redacted] LEONARD LANCASTER, and [redacted]

[redacted] advised that he was told by the members that they had no objections to him taking the open position on the Judicial Appellate Board. [redacted] and LANCASTER specifically advised him that they would like him in the position and that if Governor JAMES A. RHODES were to have asked them for a recommendation as to who should fill the position they would have recommended [redacted]

[redacted] has considerable political power in the state and considerable influence with Governor RHODES.

[redacted] law firm represented Governor RHODES in the Kent

4 - Bureau (62-117853)  
1 - Cleveland (58-267)(C)

FHG/ms  
(5)



4/2

58-267-16

RE: JAMES A. RHODES,  
Governor, State of Ohio

State trial, and [redacted] believes [redacted] personally handled a great deal of legal work.

In his talk with ROBERT HUGHES, [redacted] expressed his interest in the upcoming opening on the Judicial Appellate Board sometime in August or September, 1977. HUGHES told him that another person was to fill the vacancy and that USSAI could not be considered. HUGHES also told him that [redacted] of the Workmen's Compensation Bureau, [redacted] may be replaced due to some problems in the Bureau and that [redacted] might replace [redacted] and that this was also a reason [redacted] would not be considered for the opening on the Judicial Appellate Board. The matter involving the possible replacement of [redacted] was cleared up two weeks before LILLIAN BATTISTI's appointment, and it was decided [redacted] would not be removed.

[redacted] asked HUGHES who would be filling the upcoming vacancy of the Judicial Appellate Board, and HUGHES replied that the Governor is the one making the selection and HUGHES refused to divulge the name of the appointee.

[redacted] advised that he has worked for the Bureau of Workmen's Compensation since he graduated from college and has considerable knowledge in the Workmen's Compensation field. Another individual interested in the Judicial Appellate Board opening, NAT LEFTON, also has a very good understanding of Workmen's Compensation. An individual on the Board must have a thorough understanding of the Workmen's Compensation field because incompetence in the field jeopardizes the Workmen's Compensation fund, which has a balance of over \$2 billion. The open position on the Board does not require a legal background; however, the Chairman's position should have a legal background. Of the other two positions on the Board, one representing labor and one representing employers, LILLIAN BATTISTI filled the position representing employers.

According to [redacted] the word he has heard is that LILLIAN BATTISTI had absolutely no experience in the Workmen's Compensation field and that she knew nothing about the field at all. Additionally, he has heard that LILLIAN BATTISTI is

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RE: JAMES A. RHODES,  
Governor, State of Ohio

only a high school graduate. Because of the complex nature of Workmen's Compensation and because of the information that LILLIAN BATTISTI was not qualified for the position, [redacted] stated he was very disappointed with the appointment. Also, everyone he has talked to about the LILLIAN BATTISTI matter either has no information on the matter or avoids the issue.

The position filled by LILLIAN BATTISTI should normally have been filled from either recommendations of ROBERT HUGHES or based on Governor RHODES' own choice. The normal procedures would also have required recommendation of Industry in the area due to the fact that the position represents employers on the Board. ROY MARTIN would collate the information for the Governor and would also include a recommendation as to the qualifications of those considered for the position. [redacted] advised he is unaware of any industry recommendations for LILLIAN BATTISTI but that any recommendations made would be in her personnel folder in the State Capitol office.

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On January 18, 1978, a newspaper article printed in "The Cleveland Press" indicated that an attorney for Governor RHODES had asked the Supreme Court to revise an Appeals Court ruling which ordered RHODES to be retried in a civil suit stemming from the killing of four Kent State University students by National Guardsmen. The article went on to report the U.S. Sixth Circuit Court of Appeals ordered RHODES and other defendants to stand trial again because the trial court in Cleveland failed to "deal properly with extraneous influences on the jury" that had acquitted the defendants.

This document contains neither  
recommendations nor conclusions of  
the FBI. It is the property of  
the FBI and is loaned to your agency;  
it and its contents are not to be  
distributed outside your agency.

X

3/13/78

TO: DIRECTOR, FBI (62-117853)  
FROM: SAC, CLEVELAND (58-267) (C)  
RE: JAMES A. RHODES,  
Governor, State of Ohio  
BRIBERY; RICO  
OO: Cleveland

Re Cleveland airtel to the Bureau, 2/2/78, and  
Cleveland airtel to the Bureau, 1/18/78.

Enclosed for the Bureau are four copies of an LHM  
reflecting 1/19/78 interview of [redacted] and 1/18/78  
newspaper article.

For the information of the Bureau, Cleveland Strike  
Force [redacted] advised on 3/8/78 that contact  
with the Department of Justice was made on 3/8/78 without a  
definite agreement reached regarding the prosecutive direction  
of the captioned matter. Additional discussions regarding the  
above matter are to occur in the future in which top Justice  
officials are to be requested by [redacted] to re-evaluate the  
Department's initial prosecutive stance on this matter. Due  
to an apparent lengthy process necessary to reach a final  
prosecutive decision regarding this matter and due to the  
possibility further investigation may not be authorized,  
this matter is being closed. Should further investigation  
be requested, the matter will be reopened at that time, UACB.

ADMINISTRATIVE

2 - Bureau (Enc. 4)  
1 - Cleveland

FHG/ms  
(3) (1)

*(Close) (D) destroy  
3/13/83  
FILED STRIPPED  
ON 3/26/84 P-24  
J.D.*

55-3867-19

*Serialized \_\_\_\_\_  
Indexed \_\_\_\_\_  
Filed \_\_\_\_\_*

CV 58-267

The interview of [redacted] as set forth in enclosed LHM, took place subsequent to Cleveland airtel to the Bureau dated 1/18/78. At the time of the interview, Cleveland, at the suggestion of the Bureau, was investigating the matter as a substantive bribery matter and as part of a RICO investigation as set forth in the 1/18/78 airtel. The enclosed LHM completes the summary of all investigation by Cleveland regarding the matter. Four copies of the LHM are being sent per the request of the Bureau and dissemination of the LHM is being left to the discretion of the Bureau.

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UNITED STATES GOVERNMENT

# Memorandum

TO : FILE (58-267)

DATE: 10/19/78

FROM : SAC CZARNECKI

SUBJECT: JAMES A. RHODES,  
Governor, State of Ohio  
BRIBERY; RICO  
(OO: CLEVELAND)

"In November 1977, the FBI received a complaint concerning the appointment of an individual to the Cleveland Regional Board of Review. In line with our policy of a limited administrative inquiry, we furnished the facts of the complaint to the U.S. Department of Justice for their prosecutive opinion and further action desired. Subsequently, in December 1977, the U.S. Department of Justice advised the facts did not sufficiently indicate a violation of Federal criminal law so as to warrant a criminal investigation. The Department of Justice, therefore, recommended that the inquiry be terminated." The FBI did not conduct an investigation per se.

The above was furnished to [redacted] "Plain Dealer" in Columbus, Ohio at 3:40 PM this date.

For additional information of the file, the above information was furnished to Section Chief JOSEPH HENEHAN at approximately 12:55 PM. I subsequently had conversation with HENEHAN and he advised he was still awaiting further guidance from the Public Affairs Office. I then called Supervisor [redacted] [redacted] who advised that he was still awaiting advice from the Department of Justice. At 3:35 PM [redacted] again advised to go ahead and contact [redacted] and furnish him the above statement which I had read to [redacted] and discussed with him the propriety thereof.

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SSC/mak  
(1)

58-267-18

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 19 1978	
FBI - CLEVELAND	

*[Handwritten signature/initials over the stamp]*



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

(Mount Clipping in Space Below)

# 20 excused from serving on jury at KSU retrial

The painstaking process of selecting an unbiased jury to hear the retrial of the Kent State University civil damage suit began yesterday with preliminary questioning of 100 potential jurors in U.S. District Court.

By the end of the day, 20 of them had been excused after they had been questioned in the chambers of U.S. District Judge William K. Thomas. He decided to question them there to avoid prejudicing other potential jurors.

The 20 excused were among a group of 51 potential jurors who felt they could not lay aside their opinions in deciding who was responsible for the shootings, who said an eight-week trial would be a hardship, or who said they had worked for KSU, had been in the Ohio National Guard or knew parties in the case.

Jury selection is expected to take all week because of the extensive publicity surrounding the shootings.

Two hundred potential jurors will be available today and tomorrow to be questioned in the search for 12 jurors and six alternates.

Parents of the four students who were killed and of the nine students wounded May 4, 1970, brought suit seeking to hold 27 guardsmen and Gov. James A. Rhodes responsible for violating their civil rights.

Mosts of the guardsmen and the victims were in the courtroom yesterday. Rhodes was absent, but is expected to attend court one day this week. Retired Brig. Gen. Robert H. Canterbury will not attend the trial because two heart attacks have left him in poor health, said Burt J. Fulton, lawyer for the guardsmen.

A jury in August 1975 had exonerated Rhodes and the guardsmen, but that decision was overturned by the U.S. Court of Appeals (6th Circuit) which ordered a new trial.

(Indicate page, name of newspaper, city and state.)  
Pg. A-6  
The Plain Dealer  
Cleveland, Ohio

Date: 12-5-78  
Edition: Final

Title:

Character:

or

Classification:

Submitting Office: Cleveland

CV 58-268-30

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PLAINTIFF

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FBI/DOJ



The Plain Dealer/Ray Matasic

**Members of the Ohio Citizens for Kent State Justice demonstrate outside the Old Federal Building to show support for the victims of the shootings in 1970. They carried signs and silently marched in a circle for two hours.**

(Mount Clipping in Space Below)

# Rhodes meets prospective Kent jurors

Jury selection in the retrial of the damage suit brought by parents and victims of the shootings at Kent State University continued tediously yesterday, with the introduction of Gov. James A. Rhodes to prospective jurors as the only break in the routine in U.S. District Court.

Rhodes, who flew here from Columbus about 9 a. m. with Thomas J. Moyer, his executive assistant, and several bodyguards, was introduced to potential jurors shortly before lunch.

None of the jury prospects indicated they personally knew Rhodes.

Lawyers were attempting to determine if prospective jurors might be biased if they sat on the jury that will be asked to hold the governor and 28 present and former Ohio national guardsmen responsible for the May 4, 1970, shootings at Kent State University.

Parents of the four students killed and the nine students wounded are trying to fix blame on Rhodes and the others for denying the civil rights of the victims.

Outside of his brief appearance in the courtroom of U.S. District Judge William K. Thomas, who is presiding over the trial, Rhodes spent most of the day cloistered in the chambers of U.S. District Judge Frank J. Battisti. Battisti was in Cincinnati but made his chambers available for the governor's use.

Rhodes said he called his office in Columbus about 10 times yesterday to keep up with state business and that he did some reading. He spent more than an hour with Daniel R. McCarthy, special master for desegregation for Cleveland public schools, but Rhodes declined to say what they discussed.

The governor also declined to discuss the KSU case or be photographed as he left the courthouse at 6 p.m.

While Rhodes worked in Battisti's office, four to six bodyguards, including Ohio state troopers, sat in the corridor outside to keep away the public and reporters.

Sandwiches were brought in for lunch, and Rhodes was joined briefly by Thomas.

At the end of the day, Thomas had excused a total of 31 potential jurors after he and lawyers questioned them privately. Jury selection continues today.

(Indicate page, name of newspaper, city and state.)  
pg. 8-C  
The Plain Dealer  
Cleveland, Ohio

Date: 12-6-78  
Edition: Final

Title:

Character:

or

Classification:

Submitting Office: Cleveland

58-267-21  
CV 12-6-78

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FBI-CLEVELAND	

R. W. Morris

x

12-21-78

TO: DIRECTOR, FBI

FROM: SAC, CLEVELAND (62-dead)

RE: UNSUB, aka.,  
U.S. Department of Justice Attorney  
Washington, D.C.;  
ADMINISTRATIVE INQUIRY

Re Cleveland teletype to the Bureau, 12-21-78.

Enclosed herewith are the original and four copies of a letterhead memorandum (LHM) captioned as above, which the Bureau will, undoubtedly, wish to furnish to the Public Integrity Section, United States Department of Justice, Washington, D.C.

For Bureau's overall evaluation in this matter, attention is called to Bufile 62-117617, CV file 62-2474, captioned "JOHN M. MANOS, United States District Court Judge, Cleveland, Ohio; ADMINISTRATIVE INQUIRY, OO: CV;" and Bufile 62-117853, CV file 58-267, captioned "JAMES A. RHODES, Governor, State of Ohio; BRIBERY; RICO." In both matters, Judge BATTISTI is a direct or indirect party.

2 - Bureau (Enc. 5)  
3 - Cleveland  
    (1 - 62-2474)  
    (1 - 58-267)  
SSC:sic  
(5)

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SERIALIZED ..... FILED .....  
APR 26 1978  
FBI - CLEVELAND

[Redacted box]  
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b7c

58-267-JZ

Cleveland, Ohio

December 21, 1978

UNKNOWN SUBJECT,  
Also Known As,  
U.S. Department of Justice Attorney  
Washington, D.C.

On December 19, 1978, at approximately 5:50 pm, Chief Judge FRANK J. BATTISTI telephonically contacted the Cleveland Office of the Federal Bureau of Investigation and requested to speak with Special Agent in Charge (SAC) STANLEY S. CZARNECKI. After Judge BATTISTI learned SAC CZARNECKI was en route to his home for the evening, he requested that SAC CZARNECKI telephonically contact him at his home.

SAC CZARNECKI telephonically contacted Chief Judge BATTISTI at his home at approximately 6:25 pm, December 19, 1978, at which time Judge BATTISTI advised as follows:

Without identifying any names of individuals involved, Judge BATTISTI advised that on December 19, 1978, a United States Department of Justice (DOJ) attorney, Washington, D.C., had been in personal contact with an individual in a law firm in the Cleveland area concerning possible personal employment. During that contact and conversation, the DOJ attorney advised that the Department of Justice was investigating judges in northeast Ohio. BATTISTI indicated that the individual with the local law firm asked the DOJ attorney if one of the judges was Judge BATTISTI, to which the DOJ attorney replied in the affirmative. No names were volunteered by Judge BATTISTI to SAC CZARNECKI.

Judge BATTISTI advised he was aware of the FBI's investigation in the Cleveland Municipal Court case, which may also include investigation of certain judges, based on newspaper publicity; however, he was not aware of any investigation of any Federal judges in northeast Ohio.

5 - Bureau  
3 - Cleveland (62-Dead)  
    (1 - 62-2474)  
    (1 - 58-267)

SSC:sic

(8)

RE: UNKNOWN SUBJECT,  
Also Known As,  
U.S. Department of Justice Attorney  
Washington, D.C.

If, in fact, an investigation was being conducted by the United States Department of Justice concerning BATTISTI, he indicated he would be most happy to talk to anyone concerning any such possible investigation. BATTISTI stated he realizes he has received tremendous unwanted publicity concerning the forthcoming integration of the Cleveland Public School System in Cleveland, Ohio, and was not sure if any problem could have arisen from this situation. It is to be noted Judge BATTISTI is presiding over the busing order in Cleveland, Ohio.

Without knowing any more facts than related above, SAC CZARNECKI suggested if, in fact, the Department of Justice was investigating Judge BATTISTI or any other Federal judges in northeast Ohio, perhaps a contact with the Public Integrity Section of the United States Department of Justice may shed some light upon such fact.

Without furnishing the identity of the source of his information, and in view of the fact that an alleged DOJ attorney furnished information concerning a Federal investigation of one or more Federal judges to a disinterested third party, SAC CZARNECKI suggested Judge BATTISTI may wish to contact SAC CZARNECKI the following morning to furnish the name of the Department of Justice attorney and/or individual in the law firm mentioned above, so that the Cleveland Division of the FBI may make further inquiry into the matter.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

# Memorandum

TO : SAC, Cleveland (58-267)

FROM ✓ Director, FBI (62-117853)

DATE: 2/1/79

SUBJECT: CHIEF JUDGE  
FRANK J. BATTISTI,  
NORTHERN DISTRICT OF OHIO,  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY  
OO: CLEVELAND

Enclosed for Cleveland are two copies of a letter to the Director, FBI, from Philip B. Heymann, AAG, Criminal Division, U.S. Department of Justice, dated 1/19/79.

As Cleveland will note, the Department has authorized the interviews of five additional individuals relative to captioned matter. Cleveland should also note that the Department has indicated that the investigation should be limited to the interviews of the five individuals named in the enclosure.

Enclosures - 2



58-267-24

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 3 1979	
FBI - CLEVELAND	

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## FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription

2/16/79

[redacted] was interviewed at the Blue Fox Restaurant, located at the corner of 117th and Clifton Boulevard, Lakewood, Ohio, by SAs [redacted] and [redacted] who identified themselves as Special Agents of the FBI. SA [redacted] advised [redacted] the purpose of the interview was to ascertain his knowledge of the details surrounding the appointment of LILLIAN BATTISTI, to the Judicial Appellate Board of the Workman's Compensation Bureau. [redacted] advised as follows:

[redacted] of the Ohio Manufacturers group relating to the Workman's Compensation field, and because of his involvement with many self-insuring groups representing employers, he was interested in the appointment of the employer representative to the Judicial Appellate Board in Cleveland, Ohio. When LILLIAN BATTISTI was identified as the newly appointed member to the Judicial Appellate Board, he questioned THOMAS MOYER, an Administrative Assistant to Governor JAMES A. RHODES, as to LILLIAN BATTISTI's background qualifications which qualified her for the appointment to the Board. [redacted] advised that in early 1977, the legislature for Ohio passed a regulation setting the standards for an individual appointed to the Board of Review. The regulation called for an individual experienced in the Workman's Compensation field who could represent either the employers or the employees under the Review Board's jurisdiction.

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MOYER's response to [redacted] questions regarding LILLIAN BATTISTI's qualifications was noncommittal and provided no background information regarding LILLIAN BATTISTI. MOYER made the comment that he could not explain why the Governor appointed LILLIAN BATTISTI to the Judicial Appellate Board further stating that he can not say why the Governor does certain things. According to [redacted] MOYER should have been approached by Governor RHODES regarding the appointment and that past appointments by the Rhodes Administration usually involved some type of consultation with MOYER.

He was unaware of any Rhodes Administration contacts

Interviewed on 2/15/79 at Lakewood, Ohio File # Cleveland 58-267

by SAs [redacted] and [redacted] FHC:sdw Date dictated 2/15/79

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with the employer groups in the Northern Ohio area in which the Rhodes Administration requested the names of individuals interested in filling the upcoming vacancy on the Judicial Appellate Board. [redacted] advised that he is not aware of any specific candidates preferred by the employer groups to the Rhodes Administration to fill the vacancy. However, the employer groups felt that in view of the recent Ohio Regulation setting the qualifications for individuals appointed to the Review Board, an individual of adequate qualifications would be appointed.

[redacted] advised that the position received by LILLIAN BATTISTI was formerly held by [redacted] and that [redacted] had advised that he would not be reappointed to the Judicial Appellate Board because RHODES had made a commitment for that position to someone else.

In the past, the employer groups were approached by the pending Administration to obtain endorsements for individuals under consideration for appointment to the Review Board. However, [redacted] knows of no request by the Rhodes Administration for such an endorsement.

[redacted] also advised that during his attempts to determine LILLIAN BATTISTI's background qualifications for the position, during which the Governor's office did not make available such background information, THOMAS MOYER advised that RHODES was his own man and that he, MOYER, had no input into the selection.

The general feeling at the time by employer representatives was that Governor RHODES appointed LILLIAN BATTISTI to the Judicial Appellate Board to curry favor with Chief Judge FRANK J. BATTISTI to postpone the recently reopened Kent State trial until after the upcoming election. [redacted] advised that this was speculation on his part as well as many other individuals.

He was aware that numerous individuals were interested in the upcoming position on the Judicial Appellate Board. He was aware that an attorney in Cleveland by the name of NAT LEFTON was interested in that position as well as an attorney in Dayton, Ohio, by the name of [redacted] (phonetic). An attorney by the name of [redacted] of [redacted] located in the

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[redacted] in Cleveland, Ohio, may be able to provide some input into the selection of LILLIAN BATTISTI.

[redacted] further speculated that they may have arranged to influence FRANK BATTISTI with the appointment of LILLIAN BATTISTI to the Judicial Appellate Board through a former trusted associate of RHODES'. [redacted] advised that this associate may have been [redacted] who was [redacted]

[redacted] in the State of Ohio. [redacted] further advised that the general speculation at the time of the appointment was that RHODES would not have approached FRANK BATTISTI through an individual in his current Administration. However, if an individual in the current Administration did contact FRANK BATTISTI it may have been either TOM MOYER, ROY MARTIN, both of whom were RHODES' Administrative Assistants at that time, or [redacted] who has held several different positions in the Rhodes Administrations.

[redacted] advised that to his knowledge, he knows of no prior connection between LILLIAN BATTISTI and Governor JAMES A. RHODES, nor does he know of any connection between FRANK BATTISTI and JAMES RHODES. He is unfamiliar with any political favors or assistance for which LILLIAN BATTISTI may have been involved with that could have warranted an appointment to the Judicial Appellate Board.

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Employer groups are still upset with the appointment, in view of the fact that Ohio Regulations called for the appointment of qualified individuals to the Judicial Appellate Board and that LILLIAN BATTISTI was obviously unqualified for that appointment. The system was designed to place qualified individuals who could interpret the workman's compensation laws and form an intelligent decision regarding workman compensation matters based upon that individual's understanding of the law and that the Judicial Appellate Board would be composed of individuals who would adequately represent the employers' and the employees' positions regarding workman's compensation matters.

[redacted] pointed out that the Kent State retrial did not take place until after the general elections in Ohio in which Governor RHODES was reelected.

## FEDERAL BUREAU OF INVESTIGATION

I.

Date of transcription

2/15/79

NAT LEFTON, Attorney, Room 510, Engineers Building, Cleveland, Ohio, was interviewed at his office by Special Agents (SA) [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation (FBI). SA [redacted] advised the purpose of the interview was to ascertain his knowledge of any details surrounding the appointment of LILLIAN BATTISTI, to the Judicial Appelate Board of Review (JABR), which is a part of the Workman's Compensation Commission. LEFTON advised as follows:

The appointment of LILLIAN BATTISTI was made by Governor JAMES A. RHODES, and the appointment was for a six (6) year period. Supposedly the appointment must be confirmed by the Ohio Senate and a recommendation for the position would probably have been made by ROBERT HUGHES, the Republican Chairman for Cuyahoga County. The JABR is made up of three quasi judicial positions; One representing labor, one representing management and one representing the public. Although the position is usually filled by an attorney, a law degree is not a necessity for the position.

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LEFTON stated he talked to BOB HUGHES about the possibility of his being appointed to the JABR and HUGHES advised him that he was too old. LEFTON advised he was 72 at the time he expressed his interest in the position.

In regards to LILLIAN BATTISTI background, LEFTON advised that she worked for [redacted] as either a stenographer or a secretary at the Sheraton Beach Hotel in Miami Beach, Florida, prior to her receiving the appointment to the JABR. LEFTON stated that when she received the appointment, the common question at the time was whether LILLIAN BATTISTI was qualified for the position.

The function of the JABR is to hear appeals relating to decisions handed down by the local administrator for the Workmen's Compensation Board. If an individual wishes to appeal a ruling by the local administrator, then this appeal is made to the JABR. Should an individual wish to

Interviewed on 2/12/79 at Cleveland, Ohio File # Cleveland

58-267

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FMC:dec

Date dictated

2/15/79

CV 58-267

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appeal the JABR rulings, the appeal must then go to the Commissioner of the State of Ohio, Workmen's Compensation Commission. Should an individual wish to go higher, the next step would be the Common Pleas Court.

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/21/79

1

GUERIN BUONPANE, former chairman of the Judicial Appellate Board, Cleveland, Ohio, home address 3283 Somerset Drive, Beachwood, Ohio 44122, home telephone number 561-2366, was interviewed at the Office of the Federal Bureau of Investigation (FBI) by Special Agents (SAs) [redacted] and [redacted] who identified themselves as Special Agents of the FBI. SA [redacted] advised BUONPANE the purpose of the interview was to ascertain his knowledge surrounding the appointment of LILLIAN BATTISTI to the Judicial Appellate Board in Cleveland, Ohio. BUONPANE thereafter advised as follows:

The position filled by LILLIAN BATTISTI was previously held by [redacted]. The appointment of LILLIAN BATTISTI was made by Governor JAMES A. RHODES and confirmed by the Ohio Senate. Prior to BATTISTI's appointment, he had attempted to find out the names of individuals being considered for the position, however, the first point in time that he was aware that LILLIAN BATTISTI had received the appointment was when she walked into the Judicial Appellate Board's Offices and identified herself as the new member of the board. BUONPANE advised that he had contacted various attorneys involved in the Workmen's Compensation Field in an effort to identify individuals who were under consideration for the position and was unable to determine the names of any individuals who had been under consideration for the job.

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BUONPANE advised that he has been in the Workmen's Compensation Field for 43 years and was appointed to the Judicial Appellate Board in 1942 and has been reappointed to the board every six years since that point in time. BUONPANE advised that because of his experience in the Workmen's Compensation Field he survived the changes and administrations since 1942.

After LILLIAN BATTISTI arrived at the Offices of the Judicial Appellate Board, he attempted to find out BATTISTI's background information which would have qualified her for the position. Whenever he questioned BATTISTI, she always became silent and he was unable to uncover the

Interviewed on 2/13/79 at Cleveland, Ohio File # Cleveland  
58-267 -27

by SAs [redacted] and Date dictated 2/20/79

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details of her background. During conversations with BATTISTI, she would make comments about her past which indicates that shortly before receiving her appointment to the Judicial Appellate Board, she had been employed apparently in a clerical position for a motel or hotel in Florida. Also she apparently had been employed at the Republican Headquarters for Cuyahoga County in a clerical position. She also worked for the County Probate Court in Youngstown, Ohio, apparently assisting the public in filling out forms. BUONPANE also advised that LILLIAN BATTISTI is a typist.

BATTISTI was unfamiliar with any of the statutes and regulations regarding the Workmen's Compensation Field and BUONPANE advised he had to show BATTISTI what statutes to read in order to familiarize herself with the statutes. BATTISTI would always ask BUONPANE what to do in various situations and BUONPANE would thereafter have to explain the law to her. A duty of a member of the Judicial Appellate Board was to question witnesses and lawyers appearing before the board. However, BATTISTI seldom conducted such questioning and did not apparently feel seasoned enough to ask such questions.

The usual practice in past years in regards to appointments to the Judicial Appellate Board was to appoint attorneys or individuals with extensive Workmen's Compensation background experience. When Governor RHODES first came into office the consultation with labor and employer groups which had always been conducted in the past was eliminated. In regards to appointments to the Judicial Appellate Board, the Ohio statutes state that the chairman of the Judicial Appellate Board must be a lawyer and the other two members of the board must have backgrounds enabling them to represent either the employees or the employers and LILLIAN BATTISTI held the position which represented the employers.

BUONPANE advised he was suspicious of LILLIAN BATTISTI's brother's influence. BUONPANE advised that he was aware that her brother was the Chief Federal Judge for the Northern

District of Ohio, FRANK J. BATTISTI. LILLIAN BATTISTI never talked about her brother or about Governor RHODES' problems relating to the Kent State affair. The surface facts regarding the appointment appeared to point to a connection between the then recently reopened Kent State matter being referred back to Chief Judge FRANK BATTISTI for assignment.

An attorney by the name of NAT LEFTON, who was very experienced in the Workmen's Compensation Field was interested in receiving the appointment to the Judicial Appellate Board and both he, BUONPANE and [redacted]

[redacted] felt that LEFTON would receive the appointment. LEFTON sent letters to Governor RHODES and apparently had contacted Cuyahoga County Republican Chairman ROBERT HUGHES. LEFTON stated to him (BUONPANE) that he thought he had received the appointment but at the last minute he had lost it.

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[redacted] of [redacted] Cleveland, Ohio, advised him that ROY MARTIN, Secretary for Governor RHODES, advised that the appointment of LILLIAN BATTISTI to the Judicial Appellate Board was something that was purely Governor RHODES' personal choice and that appointment did not go through MARTIN at all. BUONPANE advised that MARTIN makes recommendations for virtually all appointments in the RHODES' administration. BUONPANE also advised that Ohio statutes require that the appointee to the Judicial Appellate Board receive the endorsements of employer groups and that [redacted] of the employer groups for Ohio, and that according to [redacted] there were no endorsements made by him regarding LILLIAN BATTISTI. BUONPANE also advised that he is unaware of any employer endorsement for LILLIAN BATTISTI. In fact, BUONPANE advised that he is aware of one protest on the part of Attorney CREED CALHOUN.

BUONPANE advised that the position filled by BATTISTI was one sought by several applicants and that according to procedure there should be several applications on file for that position.

During the period he served with LILLIAN BATTISTI on the Judicial Appellate Board, she has taken off approximately 30 days leave which in essence causes a halt to all operations of the board. Statutes indicate that a quorum of two are necessary to conduct business, however, if the two remaining members are unable to agree on a ruling, the third member must then vote to break the tie and if the third was not present during the hearings, a customary objection to the ruling is filed and the hearing must be repeated before all three members of the board.

According to BUONPANE, most appointments to the Judicial Appellate Board have been for political rewards, however, he is unaware of any services performed by LILLIAN BATTISTI which may have warranted her appointment to the board.

BUONPANE advised that a Cleveland attorney by the name of CREED CALHOUN investigated LILLIAN BATTISTI's background quite extensively and that any information uncovered by CALHOUN would most likely be very reliable. BUONPANE advised that CALHOUN has extensive experience in the Workmen's Compensation Field and is a competent attorney.

## FEDERAL BUREAU OF INVESTIGATION

2/21/79

1

Date of transcription

[redacted]  
 was interviewed at Mayhall's, 13200 Madison Avenue, Lakewood, Ohio, by Special Agents (SAs) [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation (FBI). SA [redacted] advised [redacted] the purpose of the interview was to ascertain his knowledge surrounding the details of the appointment of LILLIAN BATTISTI to the Judicial Appellate Board in Cleveland, Ohio. [redacted] advised as follows:

[redacted] and was subsequently [redacted] He had applied for the position on the Judicial Appellate Board and prior to [redacted] was contacted by ROY MARTIN, Governor's RHODES' assistant and questioned whether he was interested in the position or not.

LILLIAN BATTISTI replaced [redacted] on the Judicial Appellate Board in October, 1977. [redacted] advised [redacted] somewhere between six weeks and three weeks prior to the expiration of his term that he did not feel he would be reappointed. [redacted] stated that he had his sources regarding this matter, however, he did not reveal these sources to [redacted] advised that he was not very close to [redacted] but that it did not appear to him [redacted] that [redacted] appeared to actively pursue reappointment.

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He was totally unaware that LILLIAN BATTISTI was to receive the appointment until after she arrived on the job. [redacted] advised that he did not have any conversations with LILLIAN BATTISTI concerning her background nor did he ever pursue any lines of questioning with LILLIAN BATTISTI or anyone else regarding her background. [redacted] advised that he recalls BATTISTI mentioning something about working in a county probate court in addition to working for the Niemann Marcus Department Store chain. He is unaware of BATTISTI's educational background in addition to her employment background.

Interviewed on 2/13/79 at Lakewood, Ohio File # Cleveland  
 58-267 *2/20/79*

by SAs [redacted] and FHG:jlg Date dictated 2/20/79

[redacted] advised that he did not feel anything was unusual with Governor RHODES appointing LILLIAN BATTISTI to the Judicial Appellate Board. [redacted] also advised that he was aware that LILLIAN BATTISTI was the sister of Federal Judge FRANK J. BATTISTI and that he assumed that this relationship had something to do with the appointment, however, he had no first hand knowledge to that effect.

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## FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 2/21/79

Cleveland, Ohio, was interviewed at his office by Special Agents (SAs) [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation (FBI). SA [redacted] advised [redacted] the purpose of the interview was to ascertain his knowledge surrounding the appointment of LILLIAN BATTISTI to the Judicial Appellate Board of Review, which is a division of the Workmen's Compensation Bureau for the State of Ohio. [redacted] thereafter advised as follows:

He became aware that [redacted] was leaving the Judicial Appellate Board and that an opening on the board would be created in October, 1977. The first he had heard of LILLIAN BATTISTI was after she had received the appointment to replace [redacted] on the board. He had heard from various sources that BATTISTI was not qualified for the position. He personally questioned BATTISTI about her qualifications and was advised by her that her prior experience consisted of stenographic or clerical work for her brother's, FRANK J. BATTISTI's, law firm. Additionally, she had just recently returned from Florida where she also apparently had been working in a clerical capacity. He recalled BATTISTI stated she did not have a degree from college.

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Shortly after she had received the appointment the Northeast Ohio Self Insurers Group, a group which represents employers, invited the Judicial Appellate Board to appear at a regular meeting of the Self Insurers Group. The chairman of the board, GUERIN BUONPANE, and the other member of the board, [redacted] both accepted the invitation to appear at the meeting. [redacted] represented employees on the Judicial Appellate Board while LILLIAN BATTISTI represented employers, therefore her appearance at the meeting was desired.

[redacted] stated he advised BATTISTI that the Self Insurers Group wanted her to appear at the meeting and

Interviewed on 2/13/79 at Cleveland, Ohio File # Cleveland  
58-267 — *29*

by SAs [redacted] and FMW Date dictated 2/120/79  
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to tell the group about herself, however, BATTISTI did not accept the invitation and indicated that she did not feel she was prepared to attend such a meeting.

[redacted] advised that he has been before the Judicial Appellate Board approximately twelve times since BATTISTI has been appointed to the board. A normal function of the Judicial Appellate Board is to question claimants and attorneys and to participate in the hearings before the board, however, [redacted] advised BATTISTI has never said a word or participated during his appearances before the board.

The speculation on the part of many individuals associated in the Workmen's Compensation Field at the time of LILLIAN BATTISTI's appointment was that the appointment was made by Governor JAMES A. RHODES in view of the fact that the Kent State matter had just been referred to the Northern District of Ohio by the Sixth Circuit Court of Appeals and that the Chief Judge, FRANK J. BATTISTI, would control the case in regards to the assignment of the case.

[redacted] advised that although a law degree was not a requirement for the position filled by BATTISTI the individual receiving the appointment should definitely have experience with the Ohio statutes relating to Workmen's Compensation in addition to being familiar with the Workmen's Compensation Field in general.

[redacted] would have been involved in any political activity relating to the appointment of the employer representative on the Judicial Appellate Board, however, [redacted] does not recall [redacted] ever mentioning LILLIAN BATTISTI's name. [redacted] advised that [redacted] may have additional information relating to the appointment.

[redacted] also advised that [redacted] telephone number [redacted] who is also [redacted] [redacted] would probably have additional information regarding [redacted]

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the appointment in view of the fact that he is at the Judicial Appellate Board on almost a daily basis. [redacted] function is also to provide input to the RHODES' administration regarding the Workmen's Compensation Field.

Another individual who may be in a position to provide additional information was [redacted] who is [redacted] [redacted] would lobby for appointments in the Workmen's Compensation Field and would also be responsible for providing input into the RHODES' administration regarding the Workmen's Compensation Field.

[redacted] advised that age is not a qualification regarding the appointments to the Judicial Appellate Board. The current Chairman of the Judicial Appellate Board is a WILLIAM PETRO who is 69 years old and reportedly received the position in lieu of the fact that he was too old to receive a judgeship. The Judicial Appellate Board is composed of a chairman who should be a lawyer, a member who, on account of his previous vocation, employment or affiliation, can be classified as a representative of employers and a member who can, on account of his previous vocation, employment or affiliation, be classified as a representative of employees.

[redacted] advised that these requirements are spelled out in Ohio Regulation 4123.14, governing the Regional Boards of Review. In view of the fact that LILLIAN BATTISTI represents employers and in view of her background, it appears as if her appointment was in violation of the Ohio Regulations.

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UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

Cleveland, Ohio

February 21, 1979

CHIEF JUDGE FRANK J. BATTISTI,  
NORTHERN DISTRICT OF OHIO,  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY

Attached as a part of the letterhead memorandum  
are five (5) FD-302s reflecting interviews of GUERIN BUONPANE,  
[redacted]  
NAT LEFTON and [redacted]

In summary, the information supplied by the above-named individuals indicates that LILLIAN BATTISTI received an appointment to the Judicial Appellate Board for a six-year term and that she did not have the statutorily required background for that position.

The suspicions of BUONPANE, [redacted] and [redacted] relating to the appointment of LILLIAN BATTISTI were that the appointment made by Governor JAMES A. RHODES was to influence Chief Federal Judge FRANK J. BATTISTI, LILLIAN's brother, in his assignment of the Kent State matter which had been remanded back to the Northern District of Ohio by the U.S. Sixth Circuit Court of Appeals. [redacted] further specified that he suspected that Judge BATTISTI was to delay the assignment of the Kent State matter in order that the trial would be delayed until after the next general election.

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A chronological summary of the above matter is as follows:

September 12, 1977

U.S. Sixth Circuit Court of Appeals reversed ARTHUR KAUSE, Et Al, v. JAMES A. RHODES, Et Al (Kent State) and remanded the case back to the Northern District of Ohio.

October, 1977

LILLIAN BATTISTI received her appointment to the Judicial Appellate Board.

September 27, 1978

Chief Judge FRANK J. BATTISTI assigned the Kent State matter to Judge THOMAS and placed on the Judge's December, 1978 docket.

4-Bureau (62-117853)  
2 - Cleveland (58-267) P  
FHG/bms (6)

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AMERICAN REVOLUTION BICENTENNIAL  
1776-1976

58-267-30

RE:

CHIEF JUDGE FRANK J. BATTISTI, NORTHERN DISTRICT  
OF OHIO, EASTERN DIVISION; ADMINISTRATIVE INQUIRY

November 7, 1978

General elections held;  
Governor JAMES A. RHODES  
re-elected.

December 4, 1978

The first jurors are called  
to hear the Kent State retrial.

AIRTEL

2/21/79

TO: DIRECTOR, FBI (62-117853)  
FROM: SAC, CLEVELAND (58-267) (P)

CHIEF JUDGE FRANK J. BATTISTI,  
NORTHERN DISTRICT OF OHIO,  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY  
OO: Cleveland

Re Eulet to Cleveland, 2/1/79.

Enclosed for the Bureau are four copies of a self-explanatory LHM.

The enclosed LHM identifies individuals who Cleveland feels would be able to provide assistance regarding this matter. Those individuals are:

THOMAS MOYER, Administrative  
Assistant to Governor RHODES

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Cleveland also feels that [redacted]

[redacted] should be  
subpoenaed at this time. [redacted]

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Also, [redacted]

2 - Bureau (Enc. 4)  
(2 - Cleveland  
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[redacted]

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58-267-31

CV 58-267

[redacted] should also be subpoenaed from [redacted]

[redacted]  
The Bureau is requested to obtain authority to interview the above-named individuals and to obtain authorization to utilize the Federal Grand Jury, Cleveland, Ohio, to subpoena [redacted]

[redacted] from [redacted]

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## FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 3/30/79[redacted] Cleveland, Ohio,

was interviewed at the Marriott Inn, located at West 150th and I-71 by Special Agents (SA) [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation (FBI). SA [redacted] advised [redacted] as to the purpose of the interview and [redacted] thereafter provided the following information:

To his knowledge LILLIAN BATTISTI was totally unqualified for the position she assumed on the Judicial Appellate Board (JAB) in Cleveland, Ohio. She apparently had performed clerical work in the Youngstown, Ohio Court System, however, this is the extent of [redacted] knowledge of BATTISTI's background, both educational and work experience.

BATTISTI replaced an individual on the board by the name of [redacted] and the position she assumed was the representative of employers in hearing appeals brought before the Workmens Compensation Board for the Cleveland District. For the first six months or so, after she was appointed to the position, BATTISTI was very quiet as she sat on the board and did not say or do much at all in her position, however [redacted] advised that he understands she is currently asking questions as a board member.

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Ohio Regulation number 545, which was part of the recent reformed bill contained language to the effect that the members appointed to the JAB of review must either be attorneys or because of past education or experience be knowledgeable in the field of Workmens Compensation. According to [redacted] if this regulation was in effect at the time LILLIAN BATTISTI was appointed to the JAB, then the regulation would have been violated.

He knows of no political activity in LILLIAN BATTISTI's background that may have warranted a political appointment to a position of the JAB. THOMAS MOYER, used to be the patronage man for Governor JAMES A. RHODES pertaining to political appointments in the State of Ohio. MOYER, who is now a State Judge in the Ohio Court of Appeals in Columbus, Ohio, may be familiar

Investigation on 3/29/79 at Cleveland, Ohio File # Cleveland  
 by SA's [redacted] Date dictated 3/30/79  
58-267 33  
FHG:dcg

with the circumstances surrounding the LILLIAN BATTISTI appointment.

[redacted] advised that his responsibilities would be to attempt to influence legislation favorable for self insurers in the State of Ohio and to either suggest or lobby for various appointments which may be made by the Ohio Administration, however, LILLIAN BATTISTI's position was not lobbied for by the Ohio Self Insurers Group. [redacted] advised that he was unfamiliar with any individual that may have been lobbied for relating to the position BATTISTI received on the JAB.

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Sometime before [redacted] was replaced by [redacted] [redacted] approached [redacted] and asked [redacted] if he would take a position of support for his [redacted] reappointment to the JAB. [redacted] advised he told [redacted] he would consider taking such a position, however [redacted] did not act in any way regarding [redacted] reappointment.

[redacted] advised that he did not have any knowledge regarding any special arrangements between Governor JAMES A. RHODES and Chief Judge FRANK BATTISTI in regards to this appointment. [redacted] advised that he just felt the appointment was another unexplained appointment made in the Workmens Compensation field.

## FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 4/5/79

[REDACTED]

[REDACTED] was interviewed by Special Agents (SA) [REDACTED] and [REDACTED] who identified themselves as Special Agents of the Federal Bureau of Investigation (FBI). SA [REDACTED] advised [REDACTED] that the purpose of the interview was to ascertain his knowledge surrounding his replacement on the board by LILLIAN BATTISTI. [REDACTED] thereafter advised:

He actively sought reappointment to his position on the BR and in doing so had requested endorsements from [REDACTED] and [REDACTED]. To his knowledge, [REDACTED] had written a letter to Governor RHODES recommending his reappointment, however he was uncertain if [REDACTED] had provided any support. [REDACTED] sent the letter to RHODES approximately three to four months prior to his term on the BR ended.

[REDACTED] advised that he was a Democrat and received his appointment to the BR during the tenure of Governor JOHN GILLIGAN. [REDACTED] also advised that his

[REDACTED] at that time and that this was his political in to the position he had received but that his brother has since passed away. The chairman of the Board of Review, GUERIN BUONPANE was a Democrat and [REDACTED] the other member of the board was a Republican, and [REDACTED] felt that he would be replaced by a Republican in view of the fact that Governor RHODES was a Republican.

The first time that he knew he had not received the reappointment was when LILLIAN BATTISTI walked into his office in October of 1977, and advised him that she was the new board member. He had heard that he may not have received the reappointment prior to LILLIAN BATTISTI's appearance, however, he had not been formally advised as such. [REDACTED] stated that this is the way state politics operates and that he was not totally surprised when he had not received the reappointment.

[REDACTED] stated that he had not been contacted by Governor RHODES or by any member of Governor RHODES's

Investigation on 4/2/79 at Cleveland, Ohio File # Cleveland  
58-267 *34*

SA's [REDACTED] by [REDACTED] REC'd EMC:dcg Date dictated 4/4/79

administration regarding the reappointment and that he knew nothing of the selection process for his replacement.

He advised that prior to his position on the BR he had been [redacted] and

[redacted] that he was a long time friend of the BATTISTI family.

[redacted] advised that he knows nothing of LILLIAN BATTISTI's background qualifications, nor does he know where she may have resided prior to her appointment to the board.

He was aware that FRANK BATTISTI had formerly been a local judge in Youngstown, Ohio, and that he had run politically for the position of judge on the Democratic ticket.

[redacted] stated that he has never heard any speculation as to the reason for the LILLIAN BATTISTI appointment, or if there was any impropriety in the appointment itself.

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## FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 4/5/79

[redacted] Cleveland, Ohio, was interviewed at his office by Special Agents (SA) [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation (FBI). SA [redacted] advised [redacted] the purpose of the interview was to ascertain his knowledge surrounding the appointment of LILLIAN BATTISTI to the Board of Review which is part of the Workmen's Compensation Bureau. [redacted] thereafter advised:

Ohio Governor JAMES A. RHODES made the appointment of LILLIAN BATTISTI to the Board of Review and this appointment was subsequently confirmed by the Ohio Senate. There is a sub-committee within the Senate that makes the decision as to whether a formal hearing regarding any particular appointment is to take place. [redacted] was uncertain if a full hearing was conducted regarding the appointment of LILLIAN BATTISTI.

The general feeling subsequent to the appointment of LILLIAN BATTISTI was one of surprise and shock. LILLIAN BATTISTI's name was totally unknown and [redacted] advised that he was totally unfamiliar with her background qualifications. [redacted] advised that he had heard speculation that she was not even a resident of the State of Ohio when she received the appointment.

Ohio Regulations regarding the Board of Review in the State of Ohio do not allow for more than two members of the three member board to be of the same political party. The board consists of a chairman and one representative for labor and one representative for employers. BATTISTI was replacing an individual on the board by the name of [redacted] and [redacted] was a Democrat. When [redacted] was to be replaced the remaining two members consisted of one Republican and one Democrat, therefore, Governor RHODES, being a Republican, could have placed another Republican in that position. [redacted] advised that he has heard that LILLIAN BATTISTI is a Democrat as is her brother, Chief Judge FRANK J. BATTISTI.

Investigation on 4/2/79 at Cleveland, Ohio File # Cleveland  
SA's [redacted] 58-267-35  
by [redacted] FHG:dcg Date dictated 4/5/79

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[redacted] advised that it would not be unusual for Governor RHODES, being a Republican to appoint a Democrat to a political position if the Democrat had performed services for the government in the past, such as a recently defeated representative, however, [redacted] advised it would be unusual for Governor RHODES to appoint a Democrat to a position that he could have appointed a Republican especially in view of the fact that the appointed Democrat had not performed any special services for the party or the Ohio Government.

[redacted] advised that speculation and street talk relating to the appointment of LILLIAN BATTISTI indicated that the appointment was made by Governor RHODES for a debt owed to Chief Judge FRANK J. BATTISTI. [redacted] advised that he had heard that Judge BATTISTI had tried the criminal aspect of the Kent State trial and that BATTISTI had directed a verdict of acquittal. [redacted] had also heard that Judge YOUNG from Toledo, had tried the civil aspect of the Kent State matter but that the appeals court had reversed YOUNG's ruling.

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[redacted] approached him for support for reappointment for his position on the Board of Review several months before [redacted] term ended. [redacted] wrote a letter directly to Governor RHODES, recommending [redacted] be retained on the Board of Review, however [redacted] advised [redacted] that he did not think [redacted] stood a chance of reappointment because he was a Democrat.

[redacted] advised that [redacted] and as such the Chamber of Commerce would attempt to effect legislation relating to the Workmen's Compensation field which might be favorable to employers. The position obtained by LILLIAN BATTISTI on the Board of Review was as representative of employers, however, the Chamber of Commerce did not endorse nor recommend LILLIAN BATTISTI to her position on the Board of Review.

AIRTEL

4/12/79

TO: SAC, MIAMI  
FROM: SAC, CLEVELAND (58-267) (SQ. 6) (P)  
RE: CHIEF JUDGE FRANK J. BATTISTI  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY  
OO: CV

THIS IS AN EXTREMELY SENSITIVE CASE IN THE CLEVELAND DIVISION. IT IS REQUESTED THE LEAD SET FORTH IN THIS AIRTEL BE COVERED EXPEDITIOUSLY.

By way of background, Cleveland has received an allegation that Ohio Governor JAMES A. RHODES utilized his appointment powers to appoint the sister of Chief Judge BATTISTI, LILLIAN BATTISTI, to the Regional Board of Review which is a part of the Ohio Workmens Compensation Bureau and that the appointment was in essence a bribery or an attempted bribery on the part of RHODES.

On 9/12/77, the U.S. Sixth Circuit Court of Appeals reversed the acquittal verdict of the case titled, ARTHUR KAUSE, ET AL, va. JAMES A. RHODES, ET AL, hereinafter referred to as Kent State. The case was remanded back to the Northern District of Ohio, Eastern Division, for assignment by Judge BATTISTI. This exposed RHODES to personal civil liabilities and presented a potential problem for RHODES on his upcoming re-election attempt for Governor of Ohio.

Information supplied to Cleveland alleges that the appointment of LILLIAN BATTISTI was an attempt on the part of RHODES to curry favor with Judge BATTISTI to delay the assignment of the Kent State matter until after the next general election.

2-Miami

2-Cleveland

FMG/dmw/cco (4)

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58-267-36  
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Serialized \_\_\_\_\_  
Indexed \_\_\_\_\_  
Filed \_\_\_\_\_

Additionally, information supplied by key Workmen's Compensation officials, including the Chairman of the Regional Board of Review, indicates that LILLIAN BATTISTI was totally unqualified to hold the position she received in light of the then recently enacted Ohio statutes setting the qualifications for Regional Board of Review members.

The requirements relating to LILLIAN BATTISTI's position were that her previous vocation, employment or affiliation enabled her to represent employers within her district. These employers include General Motors Corporation, Ford Motors, Eaton Corporation, among many others.

Information supplied by NAT LEFTON, an attorney with approximately 25 years experience in Workmen's Compensation, advised that LILLIAN BATTISTI had worked for [redacted] as a secretary or stenographer at the Sheraton Beach Hotel in Miami Beach, Florida, just prior to her receiving the appointment.

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A chronological summary of the matter is as follows:

9/12/77	The U. S. Sixth Circuit Court reverses Kent State - the case is remanded to Judge BATTISTI for assignment.
9/77	Exact date unknown, LILLIAN BATTISTI was appointed to the Board of Review.
10/7/77	LILLIAN BATTISTI begins serving her six year term on the Board of Review.
9/27/78	Chief Judge BATTISTI assigns the Kent State trial by placing the matter on another judge's 12/78, docket.

11/7/78

General elections held; Governor RHODES is re-elected.

12/4/78

The first jurors are called to hear the Kent State retrial. Shortly thereafter Governor RHODES settled out of court.

This matter is being handled by the Public Integrity Section of the Department of Justice and as a result, approval for all interviews in this matter must be obtained from the Public Integrity Section. Approval has been obtained to interview [redacted] regarding his knowledge of LILLIAN BATTISTI's background and work experience in addition to any information he may have been given by LILLIAN BATTISTI regarding her appointment.

LEADS

MIAMI

AT MIAMI BEACH, FLORIDA:

1. Will locate and interview [redacted] at the Sheraton Beach Resort Hotel, Miami Beach, or at his home address, [redacted] Miami Beach, telephone number [redacted] along the following guidelines:

a. Ascertain his complete knowledge as to LILLIAN BATTISTI's employment history and general background information including residences and past telephone numbers.

b. Why did he hire LILLIAN and when? What were her responsibilities? Did he hire her as a favor and if so, for whom?

c. When did she leave her employment and what did she do after she left? Why did she leave?

d. Did she discuss the appointment with him? If so, get complete details. Was he contacted by anyone at all regarding her appointment such as the Ohio Senate or a RHODES administration official or anyone else?

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e. Does he have an application for LILLIAN's employment with the Sheraton Beach Hotel and, if so, attempt to obtain a copy. If a subpoena is needed, ascertain to whom the subpoena should be directed.

f. Did Governor RHODES or Judge BATTISTI ever stay at the Sheraton Beach Hotel to his knowledge and, if so, when and what was the nature of the stay. (RHODES is known to own property in and to travel frequently to Florida).

g. Ascertain if LILLIAN BATTISTI ever discussed a desire to return to the Northern Ohio area. If so, what was the extent of her efforts to return.

2. Will attempt to determine basic background information, if available, from past city directories or driver's license records.

Because of the fact that prior Department of Justice approval must be obtained before anyone can be interviewed regarding this matter, only [redacted] can be contacted at this time. If [redacted] suggests the FBI interview any other individuals, immediately notify Cleveland and the appropriate authority will be obtained.

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UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, CLEVELAND (58-267) (P)

DATE: 4/18/79

FROM : SA [redacted]

SUBJECT: CHIEF JUDGE FRANK J. BATTISTI  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY  
OO: Cleveland

On 4/18/79, SA [redacted] telephonically contacted SRA [redacted] of the Columbus, Ohio, Resident Agency regarding the necessity for SA [redacted] to travel to Columbus, Ohio, on 4/19/79 to conduct two interviews. SRA [redacted] advised he would see to it a Columbus Agent was available to assist SA [redacted] in the interviews and that he, [redacted] would be available on 4/19/79 to discuss the details of the captioned matter.

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FHG/bms

(2)

*bms*

58-267-38

SEARCHED	INDEXED
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APR 18 1979	
FBI CLEVELAND	
<i>TJW</i>	
[redacted]	



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

## FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription

4/23/79

THOMAS MOYER, Appellat Judge, 10th District, State of Ohio, was interviewed at his office located in the Franklin County Office Building, Columbus, Ohio, by Special Agents (SAs) [redacted] and [redacted] who identified themselves as Special Agents (SA) of the Federal Bureau of Investigation. SA [redacted] advised Judge MOYER the purpose of the interview was to ascertain his knowledge surrounding the appointment of LILLIAN BATTISTI to the Regional Board of Review in Cleveland, Ohio district. Judge MOYER thereafter advised:

Prior to his appointment to the Appeals Court he was Governor JAMES A. RHODES' executive assistant and as such his duties included the following: acting as legal counsel for the Governor; coordinate the various cabinets and departments; assist on legislation; assist on policy implementation and at times to act as a spokesman for the Governor. As a rule, he was not usually asked for a recommendation relating to appointments made by the RHODES administration; however, on occasion he would make recommendations.

The Governor's other assistant, ROY MARTIN, was the individual most involved in the patronage appointments and was responsible for acquiring the background data for those individuals under consideration for an appointment.

Governor RHODES would usually become personally involved in the appointment of individuals to key or important positions in the State but appointments to the Regional Board of Review were not appointments that held the personal interest of RHODES, according to MOYER. MOYER stated he knew virtually nothing about the appointment of LILLIAN BATTISTI and that he had learned of the appointment from inside his office, possibly from ROY MARTIN. If RHODES said anything to him about the appointment, it would have just been a statement to the effect that he had just appointed LILLIAN BATTISTI to the Regional Board of Review and MOYER did not recall any statements or discussion by RHODES relating to the reasons LILLIAN BATTISTI received the appointment.

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Investigation on 4/19/79 at Columbus, Ohio File # Cleveland 58-267  
 by SAs [redacted] and 4/20/79 Date dictated 4/20/79

39

The normal selection process for appointing an individual to the Regional Board of Review would have been to solicit recommendations of the Cuyahoga County Republican Chairman, ROBERT HUGHES and that HUGHES would give suggestions as to who he felt should receive the appointment. The individual under consideration for an appointment would usually submit an application for that position and ROY MARTIN would be in possession of the application. Additionally, MARTIN would prepare a brief biographical background of the individuals receiving appointments and this background would include work experience, education and party affiliation among other basic data.

After LILLIAN BATTISTI received her appointment she would have to have been confirmed by the Ohio Senate. MOYER advised he was usually advised of any debates by the confirmation committee on the RHODES appointments but he did not recall ever having been advised of any debate on LILLIAN BATTISTI. MOYER stated that since LILLIAN BATTISTI was related to Judge FRANK BATTISTI that he would definitely have been advised of any debate relating to her appointment.

MOYER advised that residency in the State of Ohio was usually considered a necessity to receive an appointment; however, he recalled knowing of a couple of appointments made to out-of-state residents. MOYER further stated that it would not be unusual for RHODES to appoint Democrats to various positions but in general the Democrats who did receive appointments as well as anyone else receiving an appointment were either personal friends or supporters of RHODES or the party. MOYER advised that because he was unfamiliar with LILLIAN BATTISTI's background, he was unaware of anything she may have done to receive the appointment.

MOYER stated he knew of no connection between the appointment of LILLIAN BATTISTI and the fact that the Sixth Circuit had reversed the Kent State civil trial in which RHODES was named as a defendant. Judge BATTISTI, the senior judge in the Northern District of Ohio, had been one of several judges involved in the prior Kent State trials. Judge BATTISTI heard the criminal case involving RHODES and had directed a verdict of acquittal regarding that case. Judge YOUNG of Toledo, Ohio, had initially heard the civil case. According to MOYER, the Sixth Circuit reversed the decision of the civil case tried

before Judge YOUNG because Judge YOUNG had not properly followed up on a threat which was supposed to have been made on one of the jurors.

RHODES was interested in which judge would be assigned to the reversed Kent State trial as were RHODES' attorneys. MOYER advised he told RHODES that Judge BATTISTI would not necessarily be the judge hearing the upcoming case. According to MOYER, Judge YOUNG received the Kent State case from the Sixth Circuit but Judge YOUNG could not try the case and eventually requested the matter be reassigned. One of RHODES' personal attorneys, [redacted] may know the details of the reassignment of the case.

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According to MOYER, the general opinion held by RHODES and those individuals closely associated with RHODES was that the upcoming re-trial of Kent State would not hurt RHODES' chances of re-election. In fact, the opinion was that public sentiment was running against the Kent State protesters especially in view of the demonstrations relating to the building of the new auditorium on the site of the killings. RHODES was the type of individual who would be optimistic even in bad situations and if he was really concerned about the Kent State re-trial then he did not indicate this to MOYER.

RHODES' attorneys did feel that RHODES should not have to stand trial for Kent State during his re-election attempt. Additionally, RHODES' attorneys wanted extra time to get ready for the trial and felt that RHODES should devote his time to the trial and not have to split his time with the re-election campaign.

Attempts were made to get the Kent Stte re-trial continued until after the next general election. At one time a formal motion was made to continue the trial but Judge THOMAS refused to continue the case.

**FEDERAL BUREAU OF INVESTIGATION**

4/23/79

**Date of transcription:**

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Columbus, Ohio, was interviewed at his office by SAs [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation, (FBI). SA [redacted] advised [redacted] the purpose of the interview was to ascertain his knowledge of the appointment of LILLIAN BATTISTI to the Regional Board of Review in Cleveland, Ohio. [redacted] advised as follows:

As Executive Secretary of the Ohio Self Insurers Group he would lobby for appointments made in the Workmen's Compensation field which includes the Regional Board of Review and the Industrial Commission. The position filled by LILLIAN BATTISTI was not lobbied for by him or any of the Self Insurers in the Cleveland area to his knowledge. The first he had heard of LILLIAN BATTISTI's appointment was after the fact.

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The normal procedure for making recommendations to fill the position on the Regional Board of Review would be for the employers to suggest names through ROY MARTIN, Governor JAMES A. RHODES' Administrative Assistant. His contact with the major employers in the Cleveland area indicates that LILLIAN BATTISTI's name was not submitted for consideration for the position on the Regional Board of Review.

[redacted] stated that it is his desire to have experienced, knowledgeable individuals appointed to the Board of Review but LILLIAN BATTISTI's appointment was no different than many other appointments made to Workmen's Compensation position in that inexperienced persons were appointed to those positions all the time.

After the appointment of LILLIAN BATTISTI, he asked THOMAS MOYER in passing as to the reasons for the appointment. MOYER may have responded something to the effect that the Governor was the Governor and provided no

4/19/79 Columbus, Ohio Cleveland 58-267-  
Investigation on [redacted] File # [redacted]  
SAs at [redacted] and [redacted]  
[redacted] FHG:sdf 4/23/79  
by [redacted] Date dictated [redacted]

information regarding the appointment.

[redacted] had heard that LILLIAN BATTISTI was residing in Florida at the time of the appointment. If he, [redacted] were to speculate the reason for the appointment it may be that the appointment was a political move on the part of RHODES to get Judge FRANK BATTISTI to delay the assignment of the Kent State trial until after the next general election.

[redacted] further advised that he had not heard of any past favors or past support LILLIAN BATTISTI may have given to receive her appointment to the Regional Board of Review.

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According to [redacted] RHODES and Judge BATTISTI were at opposite ends of opinion as to the busing issue in Cleveland. The Workmen's Compensation fund, which is approximately two billion dollars, may be used in the future to help bail the Cleveland School System out of financial problems, however, [redacted] was uncertain if this had anything to do with the appointment.

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/27/79

located in [redacted] telephone [redacted]  
 was interviewed at his office.

[redacted] advised as follows: He was formerly [redacted] in the Golden Gate Hotel located on the Sunny Isles Strip, Dade County, Florida, with several others, beginning in 1968. About December, 1968, through arrangements and agreements with the Sheraton Hotel chain, the Golden Gate Hotel changed its name to the Sheraton Beach Resort Hotel.

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About August, 1970, [redacted] in the Sheraton Beach Resort Hotel to various partners, one of whom is now United States Senator HOWARD METZENBAUM of Ohio. SENATOR METZENBAUM has allegedly sold out his interest in the hotel recently.

Relative to LILLIAN BATTISTI [redacted] stated that he recalls her as a former Cleveland, Ohio resident who claims to be the sister of United States District Court Judge FRANK BATTISTI of the Northern District of Ohio.

[redacted] stated that [redacted] bought the then Golden Gate Hotel, later the Sheraton Beach Resort Hotel in 1968, LILLIAN BATTISTI was one of several hundred people who sought employment at the hotel. He recalls receiving a telephone call from her prior to her being hired as a secretary and employee in the accounting department. He remembers LILLIAN BATTISTI telling him that she was from Cleveland and that she was the sister of Judge BATTISTI, with whom [redacted] is slightly acquainted.

58-267-41

Investigation on 4/26/79 at Miami, Florida File # 11 Miami 58-567

by SA WILLIAM P. KELLY:nlb Date dictated MAY 27 1979

[redacted] stated that he was inclined to give jobs to people from his old home town of Cleveland, provided they were competent enough to handle the particular job. LILLIAN BATTISTI was merely one of these. She was middle aged at the time and suffered from a bad limp. As far as he recalls, she did all right in her job, as far as competency was involved, but that she did not get along well with a tough male manager appointed by [redacted] to "shape up" the Sheraton Beach Resort Hotel. Apparently, as a result of her conflict with the manager of the hotel, LILLIAN BATTISTI quit probably one year, or perhaps even less, after the time she was hired, about 1968. [redacted] has had no subsequent contact with LILLIAN BATTISTI since about 1969 and has received no information about her since that time.

[redacted] recalled that he believed that LILLIAN BATTISTI lived in the Golden Beach area of North Dade County, Florida, but he did not know her address. He stated that all employment records, relating to LILLIAN BATTISTI, were naturally turned over to the Sheraton Hotel chain when they took over financial interests in that hotel. He stated he has no written records whatever regarding LILLIAN BATTISTI.

[redacted] stated that as far as he knew, LILLIAN BATTISTI was a rather nice, innocuous lady, who did her job and apparently did it well. He recalls there having been no problems with her, other than her conflict with the hotel manager.

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[redacted] stated that he knows of no special qualifications which LILLIAN BATTISTI might have to hold high office, including the position of a member of the Regional Board of Review of the Ohio Workman's Compensation Bureau. He stated she was just an average type woman, as far as he was concerned, who did not appear to have any special talent or training over and above secretarial and office employment qualifications.

[redacted] stated he did not do LILLIAN BATTISTI any favors, in particular, in hiring her because of her association with any particular individual from Ohio or elsewhere. He stated he hired her because she was from Cleveland and he was from Cleveland and because she appeared to be suitable for the low-ranking job she held at the hotel.

[redacted] stated that he was never contacted by anyone at all regarding the appointment of LILLIAN BATTISTI to a position of trust in the Government of the State of Ohio. He stated that the first time he knew that LILLIAN BATTISTI held such a position was when he was so informed by SA KELLY on April 27, 1979. He expressed some measure of surprise, admitting he did not know of any qualifications which she might have to hold such a position.

[redacted] stated he has no knowledge regarding Ohio Governor RHODES or Judge FRANK J. BATTISTI having spent any time or having any involvement in the Sheraton Beach Resort Hotel.

[redacted] stated that he has no recollection of LILLIAN BATTISTI ever having discussed with him or anyone, anything relative to a desire on her part to return to the area of Northern Ohio.

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F B I

TRANSMIT VIA:

Teletype  
 Facsimile  
 AIRTEL

PRECEDENCE:  
 Immediate  
 Priority  
 Routine

CLASSIFICATION:  
 TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O  
 UNCLAS

Date 5/2/79

TO: SAC, CLEVELAND (58-267) (SQUAD 6)

FROM: SAC, MIAMI (58-567) (RUC)

SUBJECT: CHIEF JUDGE FRANK J. BATTISTI,  
 NORTHERN DISTRICT OF OHIO,  
 EASTERN DIVISION  
 ADMINISTRATIVE INQUIRY  
 (OO: CLEVELAND)

Re Cleveland airtel to Miami dated 4/12/79.

Enclosed for Cleveland are the original and eight  
 copies of FD-302 of [redacted] 4/26/79.

South Florida area telephone directories for 1976  
 through 1978 fail to reflect any listing for LILLIAN PATTISTI.

The Polk's Miami, North Miami Suburban and Miami  
 Beach, Florida Directories from 1968 through 1978, fail  
 to reflect any positive information regarding LILLIAN BATTISTI,  
 with the following single exception:

Polk's Miami Beach Directory for 1969 lists one  
 LILLIAN BATTISTI - Office - Secretary, 1st National Bank of  
 Miami Beach, residence: Golden Beach, Florida. No specific  
 street address is reflected in this 1969 entry.

On 4/27/79, SA WILLIAM P. KELLY checked Miami,  
 Florida, telephone directories for the years 1968 through 1974,  
 without locating any listing for LILLIAN BATTISTI.

② - Cleveland (Enc. 9) *recd by*  
 1 - Miami  
 WPK:cmh  
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58-267 *42*  
*recd by*

MAY 7 1979

FBI - CLEVELAND

[redacted]

*120*

Approved: \_\_\_\_\_

Transmitted \_\_\_\_\_  
 (Number) (Time)

Per \_\_\_\_\_

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Cleveland, Ohio

May 8, 1979

In Reply, Please Refer to  
File No.

CHIEF JUDGE FRANK J. BATTISTI,  
NORTHERN DISTRICT OF OHIO,  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY

Attached as a part of this Letterhead Memorandum  
are six (6) FD-302s reflecting interviews of [redacted]  
[redacted] and  
[redacted] and  
[redacted]

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LILLIAN BATTISTI's employment as Secretary for the Sheraton Beach Resort Hotel, formerly known as the Golden Gate Hotel, was verified; however, her employment at the Hotel was only for the year 1968. A review of Polk's Miami Beach Directory for 1969 lists one LILLIAN BATTISTI - Office-Secretary, 1st National Bank of Miami Beach, residence: Golden Beach, Florida, with no specific street address listed.

According to information supplied by THOMAS MOYER, former Executive Assistant to Governor JAMES A. RHODES, LILLIAN BATTISTI's biographical background and application should be in the possession of ROY MARTIN, another of RHODES' Executive Assistants.

MOYER also advised that although RHODES was of the opinion that the upcoming retrial of Kent State would not hurt his chances of re-election, RHODES' attorneys did not want the re-election to interfere with the retrial. MOYER further advised that attempts were made to get the Kent State retrial continued until after the next general election.

This document contains neither recommendations nor conclusions of the FBI; it is the property of the FBI and is loaned to your agency. It and its contents are not to be distributed outside your agency.



10

58-267-43

AIRTEL

5/8/79

TO: DIRECTOR, FBI (62-117853)  
FROM: SAC, CLEVELAND (58-267) (P)

CHIEF JUDGE FRANK J. BATTISTI,  
NORTHERN DISTRICT OF OHIO,  
EASTERN DIVISION  
ADMINISTRATIVE INQUIRY  
OO: Cleveland

Re Cleveland airtel to Bureau, 2/21/79.

Enclosed for the Bureau are four copies of a self-explanatory LHM.

Incorporated into the LHM are six FD-302s. One FD-302 reflected an interview of a [redacted]

[redacted]  
[redacted]  
Shortly after [redacted] in Columbus, Ohio, was interviewed, [redacted] telephoned SA [redacted] and advised that he, [redacted] had received a personal telephone call from Governor JAMES A. RHODES. RHODES commented to [redacted] that he understood some people had been asking questions about him, RHODES, and RHODES wanted to know who it was. [redacted] advised RHODES that two FBI Agents had questioned him. RHODES then stated he knew the FBI had questioned [redacted] and that he wanted to know the names of the specific Agents asking the questions. [redacted] supplied the names of SA [redacted] Cleveland, and SA [redacted] Columbus Resident Agency, to RHODES.

[redacted] also advised SA [redacted] that THOMAS MOYER, (also interviewed - see enclosed LHM), was also contacted by Governor RHODES and apparently asked the names of the specific Agents conducting the questioning. SAs [redacted] and [redacted] Cleveland, conducted the interview of MOYER.

Cleveland is uncertain as to the reason Governor RHODES requested the specific names of the FBI Agents investigating him; however, SA [redacted] will debrief his 2 - Bureau (Enc. 4)

2 - Cleveland

FHG/bms (4)

PC

58-267-441

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CV 58-267

[redacted] in detail in the next couple of weeks to determine if any intimidation occurred and if RHODES explained the necessity to have the investigating Agents' names.

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Cleveland feels that the investigation has reached a point where a detailed interview of LILLIAN BATTISTI, Chief Judge FRANK J. BATTISTI and ROY MARTIN is necessary at this time. The nature of the investigation itself is known to FRANK and LILLIAN BATTISTI and to Governor RHODES.

The interview of ROY MARTIN is expected to produce the background data which was available to Governor RHODES at the time of the appointment. It is anticipated that the background data, or lack therof, will in part assist in establishing the allegation that the appointment by RHODES was merely an attempt to curry favor with Judge BATTISTI with regards to the assignment of the Kent State retrial. It is anticipated that the interview of Judge BATTISTI will establish that Judge Battisti and Governor RHODES were not only opposites in political faith, but were personal enemies, establishing that the appointment of LILLIAN BATTISTI was not one of political repayment or of personal friendship. It is anticipated the interview of LILLIAN BATTISTI will also establish this fact.

Cleveland anticipates a Federal Grand Jury subpoena for [redacted] will be necessary to secure [redacted].

The Bureau is requested to obtain authority to interview ROY MARTIN, LILLIAN BATTISTI and Chief Judge FRANK J. BATTISTI and to obtain authority to subpoena the above-described [redacted]

b3

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/23/79

[redacted] Columbus, Ohio, advised that he met briefly with Governor JAMES A. RHODES in the Governor's office a few days after [redacted] had been contacted by the Federal Bureau of Investigation (FBI). According to [redacted] the meeting lasted at most five minutes, but the Governor appeared both angry and concerned that the FBI had been making inquiries about his appointment of LILLIAN BATISTA to the Workmen's Compensation Board. [redacted] further advised that Governor RHODES requested from him the identities of FBI agents who had made the contact.

[redacted] indicated that there were no attempts by Governor RHODES to anyway coach him or instruct him on any possible answers. Neither were there any attempts by Governor RHODES to encourage [redacted] not to cooperate with the FBI.

[redacted] advised that TOM MOYER, former RHODES Administrative Assistant, was also contacted by the FBI regarding the same matter. [redacted] believes MOYER to be a completely honest person incapable of willful wrongdoing.

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[redacted] also indicated that while at a self insurers convention in California he had spoken with two other individuals contacted regarding the same matter. Both men were from the Cleveland area, one was with the Ford Motor Company and the other was with General Motors. The man from General Motors indicated that he had been admonished to never talk to the FBI without first clearing it with General Motors in Detroit. [redacted] indicated that General Motors had told this man that there were only certain FBI agents that should be contacted and they are in Detroit.

[redacted] indicated that [redacted] was a long time close associate of Governor RHODES. According to [redacted] was [redacted] until a dispute between [redacted] and RHODES resulted in [redacted] replacement as [redacted]

Investigation on 5/19/79 at Columbus, Ohio File # Cleveland 58-267  
by SA [redacted] Sub-A

*WHR* [redacted] nml Date dictated 5/23/79

[redacted] Apparently [redacted] was extremely bitter about all that transpired since his disagreement with RHODES.

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/28/79

1

LILLIAN BATTISTI, member of the Regional Board of Review, Workmens Compensation Bureau, Perry-Payne Building, Cleveland, Ohio, was interviewed in her office by Special Agents (SAs) [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation (FBI). Present during the interview and representing BATTISTI was attorney ROBERT J. ROTATORI. SA [redacted] advised BATTISTI the purpose of the interview was to discuss her appointment to the Regional Board of Review. BATTISTI thereafter advised:

She had been living in Florida since 1965 and was interested in moving back to Northern Ohio where she was born and raised. She had been thinking about moving back to Cleveland, Ohio, and decided to make that move in the summer of 1977 after making a trip to see her brother, FRANK J. BATTISTI, in Cleveland.

While lunching with her brother FRANK during this visit, she ran into ROBERT HUGHES, the Cuyahoga County Republican Chairman, and explained to HUGHES that she was interested in finding a job in Cleveland and asked HUGHES if he would help her secure a job. BATTISTI made a point to explain that she had originally met ROBERT HUGHES several years ago in a similar manner while lunching with her brother, FRANK, at the Theatrical Restaurant. When questioned further about the circumstances surrounding the meeting of HUGHES in the summer of 1977, BATTISTI restated the details of that meeting to indicate that she ran into HUGHES at a friend's home. BATTISTI then restated the details of the meeting to indicate that she just ran into HUGHES on her own and that she did not recall where that meeting took place. According to BATTISTI, however, the meeting was not pre-arranged.

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BATTISTI explained that her brother FRANK and ROBERT HUGHES have been good friends for a long time and that she has also been a good friend of HUGHES for years. Because of her friendship with HUGHES she asked HUGHES for help in securing her a job. HUGHES said he did not know of any jobs available at the time but that she could work for

Investigation on 6/26/79 at Cleveland, Ohio File # Cleveland 58-267-116  
 by SAs [redacted] and 44 Date dictated 6/28/79  
[redacted] 219 FHG/bms

him at the Cuyahoga County Republican Headquarters. She accepted his offer and as a result worked two or three months in the Finance Department at the Republican Headquarters assisting in the preparation of a picnic. Her duties included handling the incoming mail, answering the phone and doing some typing. She worked with a girl by the name of [redacted] [redacted] who has since moved to Akron, Ohio.

After working for HUGHES for this two or three month period, HUGHES asked her if she would be interested in a job in the Workmen's Compensation Bureau. She said she was interested and thereafter submitted an application to HUGHES in the hope that a commission in the Workmen's Compensation Bureau, in Cleveland, Ohio, would open up. The only commission suggested to her was for the Board of Review in Cleveland and she stated that she would not have considered any other commission except in Cleveland. She was uncertain as to the exact month or day she submitted her application.

The first she knew she had received the appointment was when she received the appointment notification in the mail. Shortly thereafter she received a call from a ROY (LNU) from Governor RHODES's office. ROY (LNU) wanted to know things like what social clubs she belonged to that could be put into a press release that was going to be made about her appointment. ROY (LNU) did not ask her anything about her background on her application.

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When asked if the job on the Regional Board of Review was explained to her, she replied that she knew that she would hear appeals on Workmen's Compensation cases by attorneys and labor representatives. She stated she never questioned her ability to handle the job because she felt she could learn the job fast; besides, BATTISTI explained, the Chairman of the Board of Review, Mr. BUONPANE, had forty-one years of experience in the Workmen's Compensation field in addition to being an attorney and if she had any questions she could ask him. The other board member [redacted]

[redacted] was also very knowledgeable about the Workmen's Compensation field. She stated that she knew she could handle the job, not because of what she knew, but because she could learn the job fast. She went on to point out that anyone who starts a new job must learn how to do that job. Furthermore, listening has taught her a lot about Workmen's Compensation.

When asked what qualifications and background she possessed to work in the Workmen's Compensation field, she replied that she had worked all her life and because she had worked all her life she knew that when people got hurt on the job they would get Workmen's Compensation and because of this she knew what Workmen's Compensation entailed.

Her employment background was explained as follows: 1965 to 1967, she worked as a clerk-typist in the Federal Bankruptcy Court in Miami, Florida. She believes she may have been a GS-4 or GS-5 at that time.

From 1970 to 1977 she was the Assistant Credit Manager for a Nieman Markus store in Bel Harbor, Florida. She started at Nieman Markus as a Kelly Girl for temporary work in the summer of 1970 and subsequently was hired full-time. Her duties included taking phone calls, meeting the public, typing, interviewing customers with complaints and obtaining credit reports.

At the outset of the interview she commented that she had an extensive legal background. When asked to explain this background, she replied her experience as a clerk-typist in the Bankruptcy Court in Miami, in addition to helping her brother, FRANK, type legal papers when he first graduated from law school, which was around 1947 along with some clerical duties in the probate court in Youngstown prior to her move to Florida, constituted her legal background.

The Chairman of the Board of Review must be an attorney, but neither the labor representative nor the employer representative on the board need be an attorney. The board cannot consist of more than two members of the same political party and the Chairman, BUONPANE, was a Democrat; [redacted] was a Republican and LILLIAN BATTISTI identified herself as a Democrat.

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She explained her educational background consisted of a high school diploma in addition to selected business college subjects. She went on to explain these selected subjects were limited only to business English, but that she has learned how to use most office machines. She took her business English subjects in the 1940s.

She never talked to Governor JAMES RHODES about her

appointment, nor did she ever talk to anyone in RHODES's administration about the appointment except ROY (LNU). No one from the Ohio Senate ever contacted her regarding the appointment. She knows of no conversations her brother FRANK may have had with anyone regarding her appointment and stated that her brother had nothing to do with the appointment. No one ever mentioned to her that her appointment was for a favor of any kind or for any other purpose except that she was qualified for the job. Her appointment would have been made by RHODES as Governor of Ohio.

Her brother FRANK never mentioned anything about the Kent State affair, nor did ROBERT HUGHES.

She advised that her family is very close to each other and visit each other frequently. Of the times she traveled to Cleveland from Miami she never attempted to obtain a job in Ohio until the summer of 1977 even though she had wanted to come back to Ohio for some time.

Her commission on the Board of Review runs from October 8, 1977 to October 4, 1983.

Cleveland, Ohio

58-267

June 20, 1979

Chief Judge FRANK J. BATTISTI,  
Northern District of Ohio,  
Eastern Division  
ADMINISTRATIVE INQUIRY

Attached as part of the letterhead memorandum  
are the results of interviews of [redacted] and LILLIAN  
BATTISTI.

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*Ron* . SAC *SL*  
ASA C *DD*

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, CLEVELAND (58-267)

DATE: 2/26/79

FROM : SUPV [redacted]

SUBJECT: CHIEF JUDGE FRANK J. BATTISTI  
NORTHERN DISTRICT OF OHIO  
ADMINISTRATIVE INQUIRY

On 2/23/79 I interviewed U. S. District Judge FRANK J. BATTISTI in his chambers in a case involving Departmental Applicant [redacted]. After obtaining the judge's comments regarding the applicant, BATTISTI asked how the agency (FBI) was doing and said he liked Mr. WEBSTER's low-key approach. He then said he was going off the record and said it was his belief that a case like the Congressman FLOOD situation where the violation appeared plausible and legitimate necessarily involved FBI involvement. However, he said he questioned large scale investigations in political areas where no clear-cut allegation was present. For instance, he said he had heard from a lawyer friend that the Department of Justice, not the FBI, was investigating a couple of judges and he identified those judges as himself and Judge ROBERT KRUPANSKY. I had no knowledge of either of these investigations, thus made no comment. He went on to mention that a reporter had talked to his sister some time ago and apparently the same reporter in fact had also told the judge "You can talk to me or to the FBI".

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Judge BATTISTI described his sister as a little woman, crippled, who had led a rough life and now held the only decent job she ever had. He added she had been appointed to her position by Governor RHODES.

He said that he and RHODES had not been friendly for about 15 years since some associates of RHODES treated his wife and himself rather shabbily. He did not further describe what he meant by this. The judge added that he had turned down many attempts by mutual friends to get RHODES and himself together. He then added that his attitude toward RHODES changed when RHODES appointed his sister to her present position.

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

58-267-50

CV 58-267

Judge BATTISTI further stated that if investigators had come to him in the beginning, he could have told them all they wanted to know and explain the whole matter.

Judge BATTISTI was interrupted at this point by a telephone call from Senator JOHN GLEN. I left the judge's chambers, having made no comment regarding his conversation about his sister. The judge did all the talking and I was generally unfamiliar with the facts he was relating.

## FEDERAL BUREAU OF INVESTIGATION

7/17/79

Date of transcription

1

ROY MARTIN, Executive Assistant to Governor JAMES A. RHODES, was interviewed in his office located at the State Capitol Building in Columbus, Ohio, by Special Agents, (SA), [redacted] and [redacted] who identified themselves as Special Agents of the Federal Bureau of Investigation, (FBI). SA [redacted] advised MARTIN the purpose of the interview was to ascertain the details surrounding the appointment of LILLIAN BATTISTI to the Regional Board of Review in Cleveland, Ohio, in 1977. MARTIN thereafter, advised the following:

Anyone seeking appointment to the Regional Board of Review in Cleveland, Ohio, could have applied to the Governor directly for the appointment or could have gone through the Cuyahoga County Chairman, who is ROBERT HUGHES. A position on the Regional Board of Review is the kind of position that many people would apply for, however, the Regional Board in Cleveland generally does not have as many applicants as do the other four Regional Boards. The reason for this is that the Cleveland Regional Board of Review carries the largest case load of any of the Regional Boards. This means that the individual on the board would be required to put in more time than the other boards while receiving the same pay.

For the month of June, 1979, the Cleveland Regional Board of Review heard 51.5% of all workmen's compensation appeals for the State of Ohio. The next closest Board was the Canton Board of Review which heard 15.2% of the workmen's compensation appeals.

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A position on the Board of Review is the equivalent of an Appeals Court position. The local Workmen's Compensation Administrator is responsible for making the initial findings in workmen's compensation claims if the claimant disagrees with the findings of the Administrator then he can appeal that finding to the Regional Board of Review. The purpose of the establishment of Regional Boards was merely for the convenience of the claimants, so that they would not have to travel to Columbus, Ohio, to make an appeal. The position is a quasi-judicial position and requires a knowledge of

Investigation on 7/12/79 at Columbus, Ohio File # Cleveland 58-267  
 SAs [redacted] and [redacted] 751  
 by [redacted] JMF FHG:sdf Date dictated 7/17/79

how workmen's compensation claims are handled and somewhat of a knowledge of judicial procedure. If an individual desires to appeal higher than the Regional Board of Review, that individual would appeal to the Industrial Commission, and thereafter, the County Court of Appeals.

ROBERT HUGHES, the Cuyahoga County Republican and Chairman, is the most aggressive chairman in the State of Ohio. HUGHES is constantly watching what goes on in his county and does not hesitate to offer suggestions or ask Governor RHODES for consideration. The position filled by LILLIAN BATTISTI in October of 1977, had only two applicants according to MARTIN. One application was [redacted]

[redacted] who was a Democrat [redacted]

[redacted] The other application was LILLIAN BATTISTI, also a Democrat, however, LILLIAN BATTISTI had received the written recommendation of ROBERT HUGHES. BATTISTI had submitted a State application for the position which MARTIN felt was insufficient, therefore, he requested a supplement to her application. MARTIN advised that he was uncertain if he requested this supplement from LILLIAN BATTISTI or ROBERT HUGHES, however, he did receive a supplement which explained LILLIAN BATTISTI's para-legal background in addition to gaps in her past work experience.

After MARTIN received the application from LILLIAN BATTISTI, he telephoned BATTISTI and asked her for some basic biographical information. After he received this information, MARTIN prepared the appointment of LILLIAN BATTISTI to the Regional Board of Review, and subsequently submitted the appointment to Governor JAMES A. RHODES for his signature. RHODES, on occasion, would hold up an appointment, however, MARTIN did not recall the Governor holding up the appointment of LILLIAN BATTISTI.

MARTIN stated that the Governor may have asked about LILLIAN BATTISTI's relationship to Judge FRANK J. BATTISTI, however, MARTIN did not recall specifically discussing her relationship with the Governor.

MARTIN advised that politically, he would have preferred to have placed a Republican in the position on the Board of Review, however, there were no Republicans to his knowledge, that applied for the position. MARTIN also advised that he would have accepted the recommendation of the Industrial Commission had the Industrial Commission submitted a recommendation. MARTIN advised that if a Democrat was to be named to the post of the Board of Review then it would be more desirable to have the Democrat endorsed

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by the Republic County Chairman for Cuyahoga County rather than have a Democrat that had been appointed by former Governor GILLIGAN.

MARTIN advised that he had never heard of LILLIAN BATTISTI until he had received her application for the Regional Board of Review. He feels that she was a quality appointment based on her background and in view of the fact that he has received good reports concerning her service from the Industrial Commission.

At no time did he have any significant discussions with Governor RHODES with regards to the reversal of the Kent State affair, nor did MARTIN have any discussions with the Governor regarding the anticipated effects of the reversed Kent State affair on the Governor's up-coming reelection attempts. MARTIN advised that he knows no connection between the appointment of LILLIAN BATTISTI and the reversal of the Kent State affair, which would have exposed RHODES to personal liability.

LILLIAN BATTISTI's application to the State of Ohio is dated July 13, 1977. She was bonded on October 8, 1977, for her position on the Board of Review which commenced on October 8, 1977, also. The Governor signed her appointment on October 11, 1977, and LILLIAN BATTISTI took an oath of office on October 17, 1977. The State Senate confirmed LILLIAN BATTISTI's position on February 28, 1978, noting her as a Democratic appointment.

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/17/79

[redacted] Cleveland, Ohio, was interviewed in his office by Special Agents (SA) [redacted] and [redacted] who had identified themselves as SA's of the Federal Bureau of Investigation (FBI). [redacted] provided the following information regarding the circumstances surrounding his attempt to be appointed to the Regional Board of Review (RBR) in Cleveland, Ohio in 1977.

Approximately six weeks before the opening on the RBR was to commence, he discussed the possibility of obtaining an appointment to that position with ROBERT HUGHES, the Cuyahoga County Republican Chairman. HUGHES advised him that he felt [redacted] was qualified for the position and had a shot at getting the appointment. Then approximately one month before the opening was to start on the board, HUGHES telephoned him and indicated that he, [redacted] might be considered to take the place of Director of the Workmen's Compensation and that he would not be considered for the position on the Board of Review.

At this point and time [redacted] contacted the Cuyahoga County Commissioner, GEORGE VOINOVICH in an attempt to obtain VOINOVICH'S support for the position on the RBR. After contacting VOINOVICH, who was a high school friend of his, VOINOVICH advised that he was personally endorsing NAT LEFTON for the position on the board and that it appeared as if LEFTON would receive the appointment.

Just prior to contacting VOINOVICH, [redacted] advised he had telephoned [redacted] and was advised by [redacted] that [redacted] name had not come up for consideration for the RBR in Cleveland, Ohio, and that [redacted] should insure that his name is submitted for consideration for the position. [redacted] advised that he had learned that [redacted] name was not being considered from ROY MARTIN, Governor RHODE's executive assistant. [redacted] advised that it was at this point that he contacted GEORGE VOINOVICH for support.

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It is important that a competent individual be

Investigation on 7/13/79 at Cleveland, Ohio File # Cleveland  
 58-261  
 SA's [redacted] *52*  
 by [redacted] FHG:dcg Date dictated 7/17/79  
*AM*

placed on the RBR in order to adequately represent the various interest groups appearing before the RBR. The position is a political position and could have been filled by a qualified Republican. [redacted] advised there were numerous qualified Republicans that could have been appointed and made a two to three advantage on the RBR. The job calls for a one half day appearance and allows the appointee to maintain a second job and that as such, was an attractive position to a lot of attorneys. The position paid over \$20,000.00 a year and could be used as a good base for an attorney.

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/17/79

ROBERT HUGHES, Chairman, Cuyahoga County Republican Association (CCRA), 1512 Euclid Avenue, Cleveland, Ohio, was interviewed at his place of employment by Special Agents (SA) [redacted] and [redacted] who identified themselves as SA's of the Federal Bureau of Investigation (FBI). SA [redacted] advised HUGHES the purpose of the interview was to ascertain the details surrounding the employment of LILLIAN BATTISTI to the Regional Board of Review (RBR) in Cleveland, Ohio. HUGHES advised as follows:

He met LILLIAN BATTISTI approximately four or five years ago through GLORIA BATTISTI, wife of Judge FRANK J. BATTISTI. HUGHES advised he served on the Board of Trustees with GLORIA BATTISTI at Cleveland State University during 1972 and 1973 and that both he, HUGHES, his wife and GLORIA and FRANK BATTISTI have been good friends for many years.

He never met LILLIAN BATTISTI in the presence of FRANK BATTISTI. In addition to meeting LILLIAN through GLORIA BATTISTI, he recalled seeing LILLIAN at a wedding one time, approximately four or five years ago, in addition to periodically seeing her since that time. On one occasion, HUGHES advised LILLIAN BATTISTI that if she wanted to come back to Ohio to live she should look him up for a job.

GLORIA BATTISTI had indicated to him that LILLIAN BATTISTI, who was living in Florida, wanted to come back up to Ohio. This was at least one year before LILLIAN BATTISTI finally did come back to Ohio. LILLIAN BATTISTI then came down to the Republican Headquarters after calling for an appointment to talk to HUGHES. HUGHES hired her to work as a secretary to [redacted]

LILLIAN worked as a secretary clerk in the Finance Department for approximately three to four months, starting around May or June of 1977, before he, HUGHES, offered her a position on the RBR in Cleveland, Ohio. HUGHES advised he probably offered her the position during the first part of October, 1977, or the last part of September, 1977.

Investigation on 7/13/79 at Cleveland, Ohio File # Cleveland

*53*

SA's [redacted] FHG:dcg Date dictated 7/17/79

HUGHES advised he knew that LILLIAN BATTISTI was a Democrat and that a NAT LEFTON had also requested consideration for the position on the RBR. HUGHES advised that LEFTON was a Republican and an Attorney with approximately thirty-five years experience in the Workmen's Compensation Field. LEFTON was a former Assistant Attorney General in the State of Ohio from 1944 to 1948 and had received the personal endorsements from WILLIAM SAXBY, former Attorney General and GEORGE VOINOVICH, the now Lieutenant Governor of Ohio.

The RBR consist of three individuals of which two can be of the same political party. HUGHES advised that the chairman of that board a GUERIN BUONPANE was a Democrat and [redacted] was a Republican and that he could have appointed a republican to the board.

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HUGHES stated that in actuality there was only one reason that he saw to it that LILLIAN BATTISTI was appointed to the RBR and that reason was that he was making the appointment as a personal favor to Judge FRANK J. BATTISTI and his wife, GLORIA.

He may have discussed the appointment in advance with Govenor JAMES A. RHODES by indicating to RHODES that he was going to recommend LILLIAN BATTISTI for the position. HUGHES advised he does not recall any occasion which the Govenor refused to appoint an individual that he, HUGHES, had personally recommended. The Govenor may have asked HUGHES about the relationship of LILLIAN BATTISTI to FRANK BATTISTI to which HUGHES indicated that they were brother and sister. Govenor RHODES then probably said to HUGHES that he would make the appointment if that was what HUGHES wanted. HUGHES advised he never discussed the Kent State matter with Govenor RHODES nor did he discuss the potential political implications of the re-trial of the Kent State matter with RHODES or anyone in RHODES' administration.

Sometime probably in September of 1977, HUGHES contacted Judge BATTISTI and indicated that he would be recommending the judges's sister for the RBR. Judge BATTISTI indicated to HUGHES that he thought that would be nice. HUGHES advised that it was his opinion that Judge BATTISTI knew that the appointment was a favor to him.

HUGHES advised he felt that LILLIAN BATTISTI could handle the position on the RBR because she had a lot of common sense and seemed free of prejudice. HUGHES said he was aware that in her past she had dealt a lot with people and seemed like a good person.

## FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 7/17/79

NAT LEFTON, Attorney, Room 510, Engineer's Building, Cleveland, Ohio, was telephonically contacted by Special Agent (SA) [REDACTED] LEFTON provided the following information: b6 b7c

He submitted a general state application for the upcoming opening on the Regional Board of Review (RBR) in Cleveland, Ohio, in October of 1977, and that he gave this application to ROBERT HUGHES, the Cuyahoga County Republican Chairman. LEFTON advised that he is a long time member of the Republican Party and felt that he was more than adequately qualified for the position on the RBR, however HUGHES simply advised him that he, LEFTON, was to old to receive the appointment on the RBR.

Investigation on 7/13/79 at Cleveland, Ohio File # Cleveland  
 58-267 -544

by SA [REDACTED] :dcg Date dictated 7/17/79

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TRANSMIT VIA: Airtel

PRECEDENCE: \_\_\_\_\_

CLASSIFICATION: \_\_\_\_\_

DATE: 9/4/79

TO: SAC, Cleveland (58-267)  
 FROM: Director, FBI (62-117853)

CHIEF JUDGE FRANK J. BATTISTI  
 NORTHERN DISTRICT OF OHIO  
 EASTERN DIVISION  
 ADMINISTRATIVE INQUIRY  
 OO: CV

Enclosed herewith are two copies of a self-explanatory  
 Departmental memorandum in this matter dated 8/14/79, advising  
 of the Department's decision not to pursue this matter any  
 further.

Accordingly, you may close your file upon receipt  
 of this communication.

Enclosures 2, 11/14/79

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58-117853

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## Memorandum



To : FBI, Cleveland (58-267 Sf 6) Date 9/24/90

From : ~~FBI, Miami (58-567)~~

Subject : ~~Chief Judge Frank J. Battiste~~  RUC  
~~Northern District of Ohio~~  File Destruction Program  
~~Eastern Division~~  
~~(Title)~~  
 Administrative Inquiry  
 OO-Cleveland

Enclosed are 1 items. *recd 06*  
 These items are forwarded your office since:

All logical investigation completed in this Division  
 You were OO at the time our case was RUC'd.

Enclosures are described as follows:

*(Handwritten X)*

*7 Raten*

58-267-58

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FBI - CLEVELAND	

*[Signature]*

Enc.

*FIA*

NOTE: DO NOT BLOCK STAMP ORIGINAL ENCLOSURES.